

THE LAW THAT GOVERNS GOVERNMENT:

RECLAIMING THE CONSTITUTION
FROM USURPERS AND SOCIETY'S
BIGGEST LAWBREAKER



A PAMPHLET OF PRINCIPLES, PURPOSE
AND PROPOSALS FOR
CONSTITUTIONAL CONSERVATIVES

By Richard A. Viguerie and Mark J. Fitzgibbons

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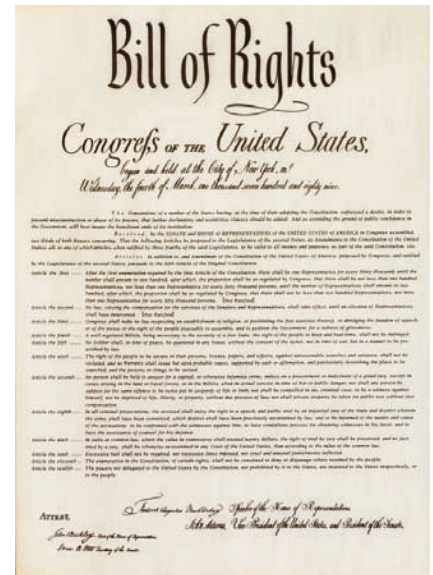
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The People's Opening Argument

Government is the oldest, largest and most pervasive lawbreaker in America.

Lawbreaking by government in terms of cost and the number of people victimized is of a scale unmatched by any other organization or group — leaving nothing as a close second.

Government has injected itself into nearly every aspect of private affairs, and has taken an excessive, intrusive and omnipotent view of what are *public* matters. Given the vast and unilateral authority it claims to have over so much of society and property, government has unmatched opportunity for lawbreaking. It makes and *rigs* the rules in its favor. It cloisters and covers up its lawlessness, and makes it almost impossible to challenge its lawbreaking when exposed.



Government lawbreaking is bringing down the greatest and fairest engine of prosperity in history — the American economy. Political establishment lawbreaking is economically and morally rotting America from within.

The political establishment is now openly contemptuous and arrogant in its high profile lawbreaking. After all, who's going to prevent the government from breaking the law? The government has more resources, and is bigger and more powerful than any of its victims. Plus, it has what private lawbreakers do not have: the power to control and change the rules of the game, and with penalties of law on its side.

Government has become a bully to the very people it is supposed to protect and keep free.

In addition to its lawbreaking that takes place in the open, there is the cloistered lawbreaking done by anonymous bureaucrats and in backroom deals by *public* officials. Government transparency is mostly a fiction. We see and know only what government wants us to.

The irony is that government lawbreaking is done mostly under the guise and misnomer of *the rule of law*. The law has become one big slap in the face to all Americans.

Americans are fed up with the political establishment and how it abuses and misuses the law, legal systems and public policy to benefit and enrich its members and its cronies. The polls show it. People discuss it daily. Why, then, haven't we put a stop to the rampant lawlessness of the political establishment?

Why aren't there more political leaders willing to stand up to government lawbreaking?



Law, freedom and America's vanishing exceptionalism

People on the political center-right who believe in small, limited government have in recent years lamented the loss of “American exceptionalism.” How many of us, though, can accurately describe *American exceptionalism*? As importantly, who can describe what *enables* it?

Old-line liberal commentary writer Richard Cohen calls American exceptionalism a “myth.” Liberals who believe in big, intrusive government are determined to eviscerate our exceptionalism.

Writing in *The Wall Street Journal* about the liberal attack on American exceptionalism, conservative intellectual Shelby Steele puts it this way: “To civilize America, to redeem the nation from its supposed avarice and hubris, the American left effectively makes a virtue of decline — as if we can redeem America only by making her indistinguishable from lesser nations.”

Where you stand on the issue of American exceptionalism, and whether you believe American government has created or greatly contributed to its decline, will influence whether you will take the relatively brief amount of time to read our pamphlet.

It is about our *remedy* against government lawlessness. It is about how enforcing the law *on government* is the key to returning and maintaining American exceptionalism.

It is about how the constitutional conservative movement is the last and best chance to save America, and what you can do to reclaim your individual freedoms, protect your property rights, and keep America secure and prosperous for generations to come.

This pamphlet is for those who believe America has been short-changed, weakened, corrupted and even embarrassed by our political leaders. Anyone, though, looking for a short and easy solution need not read any further. Return to your quiet lives of servitude. Those who are looking for the easy way will not be part of the solution.

The history of freedom is one of ebbs and flows. There are always those who will take away the freedom of others; then there are those who through struggle and sacrifice claim it back. People who have struggled to obtain or reclaim freedom almost unfailingly appreciate and understand it better than people who didn't struggle for it. The timid who lack the bigger vision never have been part of the solution.

The American history of freedom is no different *except* that our Constitution was written to *secure* liberty better than any system of government in history. Americans have an *advantage* others throughout history seeking their freedom did not have: We have a structure and process designed to protect freedom.



The Constitution, though, does not run on automatic pilot. It is not a passive guarantee of freedom. The Constitution must be *enforced on government*.

Adherence to the Constitution is the very foundation of American exceptionalism. Without understanding that one critical concept, America is lost.

It is time for conservatives to acknowledge why we don't govern effectively

The modern conservative movement began in the 1950s, and was a response to those who were attempting to take away America's freedoms and lessen our exceptionalism. Conservatism is based in constitutionalism and its Madisonian *liberal* principles.

Big government was on the rise domestically. The threat of communism was real and growing. Our God-given freedoms, which are the basis for American exceptionalism, were in decline internally and were threatened from without.

We are now in the fourth generation of the modern conservative movement. Future generations of conservatives should understand the movement's successes and its failures if they are to return America to its promise and secure its exceptionalism.

The first generation of the modern conservative movement was comprised of intellectuals such as Russell Kirk, William F. Buckley, Jr. and the fusionist Frank Meyer. It included two politicians of vision and courage, Barry Goldwater and Ronald Reagan.

The second generation of the modern conservative movement saw the rise of activists such as Heritage Foundation's Ed Feulner, constitutional conservative lawyer and author Phyllis Schlafly, and the late Paul Weyrich and Dr. Jerry Falwell. The second generation of the movement created some, but not enough, conservative organizations.

In the third generation, conservatives began forming even more national organizations to compete against the thousands of liberal activist organizations. Third-generation conservative Rush Limbaugh became America's number one talk radio host. Brent Bozell, III, son of first-generation conservative Brent Bozell, Jr., rips apart liberal media bias at his Media Research Center. Morton Blackwell founded The Leadership Institute, which has trained over a hundred thousand conservatives to be effective leaders.

The fourth generation began the greater opening of channels of conservative communication. Relying greatly on the Internet, the fourth generation has ensured that the liberal elite no longer control the flow of communications about politics. Michele Malkin, Ann Coulter, Andrew Breitbart and other fiery fourth-generation conservatives help put the old liberal establishment to shame.



The modern conservative movement has had success in *slowing down* the growth of liberal big government, but we have not succeeded in scaling it back to where American freedom and exceptionalism may thrive. For in-depth histories of the conservative movement, we recommend *The Conservative Revolution: The Movement That Remade America* by Lee Edwards, and *Upstream: The Ascendancy of American Conservatism* by Al Regnery.

Gallup polling shows that for decades people who self-identify as conservatives have consistently outnumbered liberals by about two to one, and have regularly outnumbered moderates. Yet for the most part, liberals control the corridors of government power from the courthouses to the White House. Why is that? What mistakes do conservatives keep repeating? What is it that would take conservatives to the point that we govern in a way that returns America to its promise?

How did conservatives allow the Republican Party to stray so far into corrupt, big-government territory that from 2006 to 2008 Americans booted Republicans out of office and elected the most radical leftwing president in history under his duplicitous, Orwellian mantra “Hope and Change?”

The number one problem with the conservative movement is that too many conservative leaders and organizations became appendages of the Republican Party. Constitutionally, the Republican Party lost its way and dragged many conservative leaders along with it.

The Republican Party establishment has not only tolerated government lawbreaking; it has participated in it. Americans did not so much choose Barack Obama as they rejected the corrupt and weak-principled Republican establishment.

To save America, we conservatives must take the Republican Party with *us* and reclaim the Constitution as the law that governs government. That should be our number one priority. Otherwise — like Sisyphus, the king in Greek mythology stuck for eternity pushing a rock uphill only to watch it roll back down over and over again — we will always face an unending fight we cannot win.

Enter the Tea Party and the renewed constitutional conservative movement

In 1976, Ronald Reagan was running against the Republican establishment that included Richard Nixon, Gerald Ford and Nelson Rockefeller. Reagan said something then that applies today: “We need new leaders unfettered by old ties and old relationships.” The Tea Party is just that.



It is a credible argument that the Tea Party has had a more substantial impact on the national debate in its brief tenure than the conservative movement has had over the course of decades. The Tea Party is forcing the political establishment to confront and react to principled, small-government, constitutional conservatism.

Mark Levin's *Liberty and Tyranny* is the single best and most detailed explanation we've read about the principles of the constitutional conservative movement. What is perhaps most fascinating about his bestselling book is that so much of it is about *the law*. Levin manages to take a subject matter most people find rather boring — the law — and turns it into a rallying cry for principled conservatism.

We believe our pamphlet adds two central themes that may help advance the conservative cause, and scale back government to its rightful size and place in society.

The first theme of our pamphlet is to articulate that the Constitution is *the law that governs government*.

When people — whether they self-describe as conservatives, libertarians, independents or Tea Partiers — start thinking of the Constitution as the law that governs government instead of a compact (or, as liberals treat it, a token guide for government), we begin to approach political solutions in a different way.

Instead of simply working to elect more small-government proponents, we begin to think: How is it that Americans can *enforce the law* against government? That is a mindset broader than just trying to win the next election.

A sub-theme of the law that governs government is that we must *reclaim* the Constitution, not merely restore it. The political establishment disregards and shows contempt for the notion that the Constitution is the law that binds them. They have *usurped* power, and they will not sit back and allow the Constitution to be *restored*. We must therefore take it back. This requires a more proactive approach, and is different from seeking to merely *restore* the Constitution.

The second major theme of our pamphlet is that government is society's biggest lawbreaker. People tend to think of government as *protection* from lawbreakers, and indeed it should be. The reality, though, is that we now need protection from government lawbreaking.

We now live in a regulatory state where government doesn't enforce the law so much as it picks the winners and losers in private matters. Government has corrupted the law so that it is no longer protection against the "bad guys." Government itself has become the equivalent of a criminal syndicate, but with



virtually limitless power and resources, including the capacity to make and enforce public laws its victims must follow.

Liberals have misused the law by making it authoritarian and dictatorial, and have targeted and suppressed the free exercise of rights. The law is now misused to hold back private achievement, supplant it with government-based approaches, and advance the political establishment and its cronies.

We are becoming more of a police state where individual and private property rights are violated. Private, civil acts — even political speech — are criminalized and *over-criminalized* by a government that fails to follow the rules.

The political establishment has actually come to rely on government lawbreaking, and there is no one policing government.

When we understand that government is America's biggest lawbreaker, inevitably we conclude that we cannot depend on or trust government the way liberals want people to. The rats are running the cheese factory, so to speak. Big-government liberalism is no longer a credible ideology once people understand the scope of government lawbreaking.

This pamphlet does not have the space to document all the ways in which — never mind all the examples of how — government breaks the law. However, we do provide an appendix listing just some examples of how government breaks the law and violates rights.

As we explain, most government lawbreaking goes undisclosed for a variety of reasons, so documenting government lawbreaking is difficult. Government operates more and more in secrecy. It violates public transparency laws to hide its lawbreaking. Government uses intimidation and bribery to silence whistleblowers.

Knowing that exposing government lawbreaking hurts 'their side,' the liberal media provide cover for it. The amount of government lawbreaking that is actually made public and known is probably not even the tip of the iceberg.

When people know the government has violated the law, the government's reaction tends to be, "So sue us." Government, though, has also rigged the rules for obtaining legal remedies. Justice is denied and government lawbreaking is protected through judge-made doctrines.

The United States Fourth Circuit Court of Appeals, for example, invoked a judge-made doctrine called "standing" to deny Virginia's constitutional challenge to Obamacare.



What an outrage! Federal judges protect government lawbreaking by refusing to give citizens *and* states their day in court to protect their constitutional rights.

Suffice it to say, however, there is no close second place to government as society's biggest lawbreaker. Again, when we think of government this way, the political solutions we must implement become clearer.

Like all efforts for freedom, we stand on the shoulders of giants. The constitutional conservative movement is comprised of people whose names we recognize, and people whose names we don't. It is a peaceful uprising of the middle class, but it is deadly serious about its mission. And, it is growing.

The law of the jungle is to eat or be eaten. The law of politics is to define oneself or be defined. The left is anxious to define the constitutional conservative movement in ways and as something it is not.

There are those who call constitutional conservatives "extremists," "anti-government," or even "terrorists." Those are of course false, pejorative descriptions, even projection from the anti-freedom left.

We, on the other hand, may accurately describe many of our critics as "lawbreakers" and "abettors." That changes the conversation, doesn't it?

The constitutional conservative movement must therefore define itself. We hope our pamphlet not only offers perspectives that form the bases for action, but also articulates and confirms what constitutional conservatives understand to be sound principles and purpose.

Because the Constitution is truly the law that governs government, this pamphlet is about the law, not politics *per se*. The law is intended to protect society and *our freedoms*, and all of us have an equal say about it.

The law is not the exclusive domain of lawyers, although a fair number of them would prefer the law to be theirs to dictate and control. This pamphlet is not written for lawyers, but addresses some legal terms applicable to the Constitution. We urge you to embrace them.

Above all else, this pamphlet is about one legal term in particular: *remedy*. It is about the constitutional remedy of reclaiming our rights that are the cornerstone to America's exceptionalism. If you wish to be a part of that remedy, read on.

Reclaiming the Constitution from the scofflaw political establishment

If old truths are to retain their hold on men's minds, they must be restated in the language and concepts of successive generations.

F.A. Hayek, *The Constitution of Liberty*

Is the Constitution effectively dead as a legal constraint on government, as some have claimed? Or, as the character Miracle Max in the fantasy movie *The Princess Bride* might say, is it only *mostly* dead? If the Constitution is only ‘mostly’ dead, can it be revived? And, if the Constitution can be revived, why should its revival as a legal constraint on government be the top priority of the conservative movement?

The effort to revive the Constitution as the law that governs government is afoot, and it may be the last chance to save America for what it was meant to be. America’s exceptionalism is not created by vast natural resources, wealth, military might, or technology. It isn’t anything in our DNA, either. Our Constitution is what *enables* our exceptionalism by securing our liberties. Without the Constitution as the law that governs government, America is a failed experiment, and in turn, a weaker country.

The constitutional conservative movement consisting mostly of middle-class Americans, but honest-broker intellectuals and patriotic freedom-lovers across the economic spectrum as well, isn’t merely seeking to *revive* the Constitution. Americans of conservative principles are *reclaiming* the Constitution. We reclaim not what was merely lost, but what was taken from us — stolen, if you will — by others. The term the Founders used in the Declaration of Independence and the Federalist Papers was “usurped.”

The Constitution has been usurped, not at the point of a gun, but by the very people elected and entrusted to enforce it. We turned our government over to a series of Bernie Madoffs. Like trustees cleaning out the funds in a trust, they misused their power to loot the Treasury on a vast scale. They created a massive Ponzi scheme unmatched in history — which is much of the government and its programs — and reduced our freedoms in the process.

“They” are the political establishment comprised of progressives and statist. Statists are those who believe in the collective benefits of the power of government regardless of their ideology. There are, for example, Republican statists who use government solutions for private matters. At the risk of offending President George W. Bush supporters, we would consider him a statist Republican although he sometimes espoused conservative views.



Progressives are ideologically to the left. The term comprises those who are referred to as “liberals,” “socialists,” “Marxists,” and their ideological allies. Progressives *are* statist, but not all statist are progressives.

Progressives and statist comprising the political class are often interchangeable and indistinguishable from each other in how they have eroded the Constitution as law. “They” think they are not bound by the Constitution.

“They” have replaced freedom of the individual by creating a class system of power, privilege, prestige and entitlements dictated by government authority. Those who aren’t on the *in* with this system have caught on to the fact that the political establishment relies on violating our paramount law to create this class system of who is *in* and who is *out*.

Those in the political establishment who dictate this system have every human foible that the Constitution was written to address and constrain. By replacing the law of freedom under the Constitution with a form of authoritarian, statist power, the political establishment and their cronies sit at the table of privilege. Sycophants feed off the scraps. The rest of us are restrained from achieving what freedom would otherwise allow.

As more Americans come to recognize that their freedoms protected by the Constitution have been usurped, and that the political establishment is driving America toward shameful economic conditions, the constitutional conservative movement grows.

The rise of constitutional conservatism and its focus on America’s founding principles has forced statist to engage in this fight over the role and meaning of the Constitution. Progressive statist don’t quite grasp exactly what this movement is, but they know it can’t be good for their agendas.

Time magazine’s Richard Stengel, *The Washington Post*’s E.J. Dionne, and *The New Republic*’s Ed Kilgore are just a few of the progressive bellwethers who have recently written defensive-aggressive articles about the constitutional conservative movement. Globalist Brit Gideon Rachman of *The Financial Times* petulantly describes the movement as “a dangerously simple-minded approach to government.” Progressives are flustered by the exposure of the historical and inevitable flaws of centralized government power, and an emphasis on our founding principles.

The Founders, motherhood, apple pie? Surely, conservatives have the upper hand in this debate. Progressives, it seems, have failed to follow Sun Tzu’s advice about engaging the enemy on your own turf. Or have they?



The strength of statists, and especially progressives, is politics, and politics is above all else about *the law*. Progressives have used the law as their most devastating political weapon. They are civil-warriors with it, and theirs is a war of legal attrition, conquering their political opponents by amassing more and more laws regulating and suppressing freedoms.

On the other hand, the average conservative-by-nature American has a bit of an aversion to politics, never mind using the law as a weapon of politics. We'd prefer going about our family life, our work, our "pursuit of happiness" in our individual ways, through our places of worship, or through other private associations.

The times, though, they are a-changing. In the face of ever-creeping "socialism" or "statism" — call it what you will — more and more Americans have begun to understand that if our country is to be truly a *nation of laws*, we must reclaim the Constitution as the law that *governs government*.

And, at no time since the American Revolution has there been a greater need for government to be governed. The anger at, and distrust of, the political class is setting records, and for good reason. Speaking on Fox News after Standard & Poor's recent downgrade of America's credit rating, Democratic pollster Pat Caddell called our situation a "much graver constitutional crisis" to the point that it is "*pre-Revolutionary*."

Our federal government debt is over \$14 trillion and growing — and that doesn't even count the debt of states, counties and cities, many of which are on the verge of bankruptcy. There is no credible plan to make us solvent. Indeed, it became accepted political establishment thinking that we had to *raise* our debt limit instead of reducing the debt through spending cuts, passing on even more debt to future generations. That's worse than objectively irrational: It would be a criminal Ponzi scheme if it were to occur in the private sector.

Sure, if government were to default or taxes were to increase, life goes on. But legal theft and corruption through generations of statism has culminated and saddled our *posterity* with the bill. It has also weakened and embarrassed America now.

While perhaps not always able to put their fingers on it with precision, people are coming to understand more and more that there is an inextricable link between violations of the Constitution and the immoral, unconscionable inter-generational transfer of debt. Constitutional conservatives are challenging the lies and corruption used to create and bolster the largest debt in the history of mankind. They are seeking out the root causes instead of just applying band-aids.

But it isn't just the unsustainable government debt that has spawned this constitutional conservative movement.

It is that we're tired of being lied to by elected officials.



It is arrogant bureaucrats down to our state, county and city levels who act as though they're doing us favors just by doing their jobs.

It is our loss of self-determination, where at nearly every turn we need some permission from a government official, or we must fill out some form required by law.

It is the sense that government has taken too much control over private decision-making, yet is incompetent and corrupt.

It is the inexplicable situation of expanding property-tax bills at a time of declining home values, combined with the fact that nearly half of Americans now pay no income taxes at all.

It is high unemployment caused by government policies from people who do not know how to create jobs; besides, job creation should not be government's role.

It is high gas prices caused by government's over-regulating and banning domestic oil drilling and other free market energy alternatives, while subsidizing inefficient energy sources.

It is low confidence that our retirement money will be there because Social Security has become a Ponzi scheme where we're left with nothing but IOUs, and there are rumors that government will invade private retirement funds.

It is that Americans have become bookkeepers and tax collectors for the government, where we must keep every receipt, and record every jot and tittle or be subject to penalties of fines or even prison.

It is that government rewards and gives special preference to its supporters, and disfavors or even punishes its critics.

It is that leaders of both major political parties are out of touch with average, hard-working Americans.

Americans are beset by the creeping feeling, a uniquely American gut instinct against misused authority, that we've lost something — our strength as one nation *under God* — our *exceptionalism* that comes from being a free people.

A June 2009 Rasmussen poll, for example, found that 44% of Americans believe the Constitution doesn't restrict government enough, while only 10% believe it restricts government too much. The remaining 38% think it achieves the right balance.

In November 2010, Rasmussen reported 44% of Americans believe government is operating outside the Constitution, 39% believe it operates within the Constitution, and 17% aren't sure. Unsurprisingly, this same poll found 83% of the political class says government operates within the Constitution, but 62% of mainstream voters disagree.



Rasmussen reported in August 2011 that only 17% of likely voters believe the federal government has the consent of the governed, a new low for this central principle of the Declaration of Independence.

These polls don't merely reflect dissatisfaction born of a poor economy, nor may they be easily dismissed by liberal statist as conservative nostalgia or paranoia. They reflect that Americans are coming to realize the political establishment is unmoored by the rules.

People are now questioning what the political establishment does not want questioned. How is it that Congress passed a law requiring citizens to purchase a product, as it did under the individual mandate in Obamacare, and it seems the chances are at best 50-50 that the courts will overrule that? As George Will asked, can the government compel people to attend Weight Watchers as well?

How did the Supreme Court conclude that a city could force Susette Kelo to sell her private property so developers cozy to city officials could profit from it instead?

Why, after the Supreme Court upheld the First Amendment freedom to criticize politicians did progressives, including President Obama himself, call the 2010 *Citizens United* decision dangerous?

How is it that President Obama took Toxic Asset Relief Program money intended to bailout financial institutions, and used billions of it for the federal government to acquire ownership interests in two American automobile companies? He also managed to evade our federal bankruptcy laws and give ownership interests to his automobile union friends and campaign supporters.

How can our legislators and other government officials grow rich profiting from the same type of insider stock trading information they have made illegal for the rest of us to use?

We constitutional conservatives are called "extremists" and other epithets, but it is progressives and other statist who have created the largest debt in world history and want to extend it even more.

Based on the facts, statist are the extremists. Not only that, they are irrational scofflaws. Constitutional conservatives are on the right side of this fight and the right side of history. It is no wonder the political establishment is nervous, and progressives unhinged.

A century of progressives' misusing the law to violate the Constitution

Progressives occasionally mention amending the Constitution, such as the movement to reverse the Supreme Court's decision upholding free political speech by a slim margin of one in the *Citizens United* case.

For the most part, though, progressives long ago stopped talking about formally amending the Constitution to achieve their political agendas. Instead, they've turned to electing officials and appointing judges who simply ignore it. They achieve their political agendas by extra-constitutional means, which is to say, by violating the Constitution through "policy."

French political economist Frederic Bastiat of the 19th century understood the important link between law and freedom, and how the ruling class manipulates the law to take away freedom and to plunder.

Progressives have had a leg up on conservatives in this war of *the law*. Their goal is to extend power through coercion, and progressives have become adept at manipulating and misusing the law and the legal system for political ends. They have rigged the game to subvert the underlying, basic law of the Constitution.

Unlike today's progressives, the Founders weren't professional politicians or paid activists. They were, for the most part, farmers, inventors, surveyors, soldiers and businessmen, yet they created a legal document unsurpassed in human history, our Constitution.

To reclaim it as the law that governs government, we don't need to become citizen-lawyers, but conservatives do need to become more familiar and facile with the Constitution as a legal document. Above all, we need to understand how we can once again *enforce* the Constitution on government. We should also understand how we came to the point where the Constitution is treated as less than the fundamental law paramount to all other laws.

Since the progressive movement first surfaced in America over a century ago, statism has compounded itself, sometimes gradually, other times more aggressively, through legislation.

The executive branch and an ever-increasing number of administrative agencies grabbed even more power though the regulatory state, itself a creation of progressives.

The rapid growth of the regulatory state began in the Woodrow Wilson-era and expanded exponentially under Franklin D. Roosevelt.



Franklin D. Roosevelt



Americans failed to push back sufficiently against growing statism. Perhaps the reason we failed to defeat the growth of statism was due in part to the political and economic chaos of two world wars and a worldwide depression.

Statism may have appeared to many Americans to be an acceptable alternative to the individualism secured by the Constitution. Americans traded their freedoms for what they were told was more security. Coercion and authoritarian law replaced individualism and freedom. America moved away from its uniqueness.

Statism became so commonplace that the “conservative” Richard Nixon and other Republicans not only accepted it, but expanded upon it through the creation of federal behemoths such the Environmental Protection Agency, which through mission creep now acts as though it can regulate a natural gas humans exhale, CO₂.

The result? Government has grown, and Americans have lost individual liberties and private property rights — even under Republican government.

The success of unconstitutional policy is, in part, dependent on appointing statist judges who likewise view the Constitution as something that does not constrain government except when constraint on government might otherwise be consistent with their own agendas.

President Franklin Delano Roosevelt understood this, and tried to pack the Supreme Court with big-government progressives, but was prevented from doing so by a Democratic-controlled senate. Having failed that, he nonetheless succeeded in converting the court to mostly statists by new appointments, and set the course for future progressives to make new law through unelected judges. By the late 1930s, activist judges began legislating from the bench rather than just adjudicating disputes.

The judge-created doctrine *stare decisis* (following precedent), which is not an inherently progressive doctrine, has been misused to supplant the textual Constitution as our paramount law. Judicial expert Ed Whelan noted it is “the exaggerated view of *stare decisis* that some on the Left invoke in an effort to preserve the ill-gotten gains from decades of liberal judicial activism.”

Judges began applying foreign law to interpret the Constitution, which mixes apples and oranges. Because the Constitution is unique, foreign law cannot be a source of interpreting the Constitution. Foreign law does not protect God-given freedoms the way the Constitution does. Foreign law bastardizes the Constitution and American law. Its use is another way to reduce American exceptionalism.

Perhaps not as troubling to conservatives as judicial activism, judicial restraint, an admirable and appropriate doctrine among conservatives, too often became a doormat for statism. Courts have long aided the loss of our rights through judge-developed doctrines of judicial deference to violations of the Constitution by the other two branches or even states.



Our elected officials who have too often proven their ignorance of, or contempt for, the Constitution are unworthy of such statist judge-made doctrines of deference. The “presumption of constitutionality” of statutes is one such judge-made doctrine whereby the burden is on the people to prove unconstitutionality.

Constitutional law professor Randy Barnett suggests there should be a *presumption of liberty* instead. The burden should be on the government to *prove* constitutionality. Judge-made constitutional doctrine is often backwards in favor of government power over freedom.

“First principles” now take a back seat to precedent set by statist judges, which has allowed the unconstitutional policy movement to restrict our freedoms one court decision at a time. Judges enabled the progressive movement to flourish at the expense of constitutionally protected liberties.

In the 2007 First Amendment case, *Wisconsin Right to Life v. Federal Election Commission*, Chief Justice John Roberts first painstakingly addressed convoluted campaign finance law precedent, and only then did he observe poignantly and pointedly in the final paragraph of his written opinion:

Yet, as is often the case in this Court’s First Amendment opinions, we have gotten this far in the analysis without quoting the Amendment itself: ‘Congress shall make no law . . . abridging the freedom of speech.’ The Framers’ actual words put these cases in proper perspective.

Roberts was saying the statist’s great ally, complexity of the law, has overtaken the law’s virtues and principal purposes: clarity and protecting freedom.

Think of the indecipherable tax code where tax lawyers and accountants have often become more important in business decisions than productivity and profit.

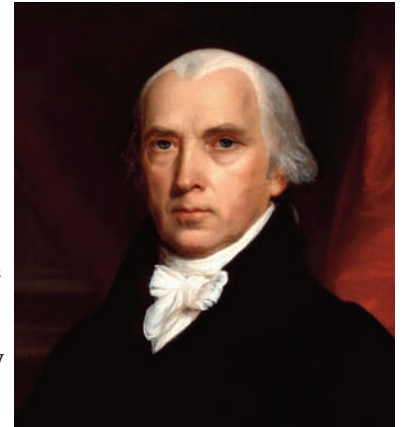
As to our freedoms, where, for example, do we find the wall of separation of church and state in the First Amendment? The wall of separation between church and state has taken on meaning different from Jefferson’s original use of that phrase in a letter written long after the Constitution was written and ratified.

Jefferson’s point was that there should be no government in religion. Religion may involve itself in government. Jefferson’s “wall” intended to protect freedom is now used to reduce freedom, a point made by losing Delaware candidate for Senate Christine O’Donnell in the 2010 campaign. She was mocked for it.

What went wrong? Or, as progressives argue, is this just the natural course our nation was intended to take, and that our Constitution is malleable enough to accommodate all these inconsistencies between the written text and application?

A law governing government for our posterity

We often hear — even from the left — that we are a nation of laws, not of men. However, when lawmakers, the president, judges and a vast unelected bureaucracy deem themselves to be law givers and enforcers unaccountable to some higher legal authority, then we have a form of tyranny, even if it is a tyranny of, and under, the law.



James Madison

This legal tyranny is entirely inconsisteant with the purposes of the Constitution to “secure the Blessings of Liberty to ourselves and our Posterity,” as stated in its Preamble.

In his authoritative 1833 Commentaries on the Constitution, Joseph Story (an Associate Justice of Chief Justice John Marshall) wrote about the importance of the Preamble in determining the nature of the Constitution as law:

We have already had occasion, in considering the nature of the constitution, to dwell upon the terms, in which the preamble is conceived, and the proper conclusion deducible from it. It is an act of the people, and not the states in their political capacities. It is an ordinance or establishment of government and not a compact, though originating in consent; and *it binds as a fundamental law* promulgated by the sovereign authority, and not as a compact or treaty We have the strongest assurances, that this preamble was not adopted as a mere formulary; but as a solemn promulgation of a fundamental fact, vital to the character and operations of the government. (Emphasis added.)

To achieve their ends, progressives and statists have diminished the legal superiority of the Constitution. It is of no small consequence, therefore, that a major thrust of the Tea Party, an inherently conservative, libertarian movement, is to restore the Constitution.

Unlike some voters content to elect big-government Republicans instead of Democrats, Tea Partiers want something different from elections. Tea Partiers want constitutionally driven elected officials.

Consisting of non-professional activists unfettered by ties to the Republican Party, the Tea Party brings a fourth leg to the conservative movement. By adding this



fourth leg to the traditional three-legged stool of the conservative movement (strong national defense, fiscal responsibility and faith), the constitutional conservatives of the Tea Party movement have helped create a stronger and bigger four-legged table.

Tea Partiers are the breathing example of what James Madison wrote in Federalist No. 44:

the success of the usurpation [of power by the Congress] will depend on the executive and judiciary departments, which are to expound and give effect to the legislative acts; and in the last resort a remedy must be obtained from the people who can, by the election of more faithful representatives, annul the acts of the usurpers.

Many Tea Partiers understand the root cause of a variety of problems including excess government spending that has placed the United States into what would be insolvency if it were a non-governmental entity: We have returned elected officials to office even after they demonstrated insufficient regard for constitutional government.

Statists have transformed our nation in a devastating way misusing the *rule of law*, but at the same time have violated *our paramount law*. We must therefore devise another approach to re-establish the “old truths” on which America was founded and accomplished exceptional feats.

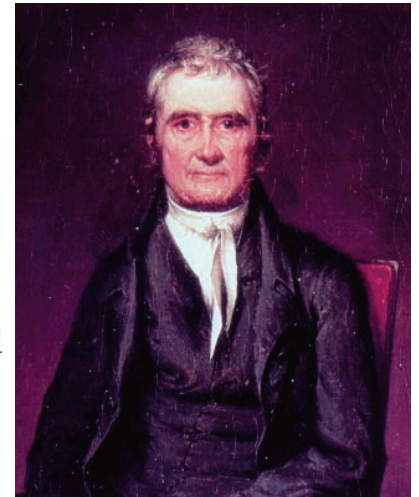
“Unfaithful representatives” need to be replaced with ones who abide by the Constitution as law.

If we can return the Constitution to the law that governs government, and make it more than just a token symbol, we might — just might — reclaim our freedoms that are the basis for American exceptionalism. We cannot approach the situation passively as merely restoring the Constitution. We must *reclaim* it from an outlaw government, a more daunting task indeed.

Contempt for the Constitution as law is endemic in the political class

Our fourth Chief Justice of the Supreme Court, John Marshall, wrote about our Constitution as “the fundamental and paramount law of the nation.”

Fast forward to the legislative debate over Obamacare. When asked where in the Constitution then-Speaker Nancy Pelosi found the authority for federal legislation requiring individuals to buy health insurance, she responded condescendingly, “Are you serious?”



John Marshall

Ms. Pelosi’s response came when she was a constitutional officer and second in line to the president. She was either ignorant of, or unconcerned with, whether she might be participating in a violation of our paramount law. We can assume safely her culpable intent.

Yet we can expect no better from statist, establishment Republicans.

When President George W. Bush was presented the McCain-Feingold campaign finance reform legislation, he stated he thought the bill to be unconstitutional, but would sign it anyway and let the courts decide.

Much as progressives pervert the First Amendment to subvert the free exercise of religion, through McCain-Feingold and other laws many Republicans were willing to censor political speech during the most critical time right before elections.

Corruption was committed and fostered in the name of preventing the *appearance* of corruption. Politicians *abridged* fundamental freedoms that are essential to our republican form of government all in the name of the *rule of law*. In reality, politicians violated the law — the First Amendment to the Constitution — regardless of the justifications used.

One might view these two incidents as either a symptom or the disease. However, it is the disease.

Whether through indifference, impudence or imperiousness, our elected officials act unencumbered by the Constitution. And, since elected officials who are at least accountable to the electorate show such disdain for, and arrogance about, our paramount law, then it is easy to understand why the millions of unelected government employees may scoff that they too are bound by it.

Much like the antidote is derived from the venom or the vaccine from the germ, the cure for this disease, oddly enough, may result from the Obama presidency. During



his tenure in office, he has greatly accelerated what was previously a slow death of our constitutionally limited government under both Democrats and Republicans. In doing so, he has shaken millions of Americans from their sleep; he has hastened the rise of the constitutional conservative movement.

We now understand that our future as a free people is at stake. It is not too much to believe that President Obama will be either the last president of the progressive era in America, or the last president of the American era in the world.

The Constitution's creation was unique in world history. It was not merely a grant of power from the *sovereign* people to the government; it was a written law that limited — *governed* — the national government.

It's not merely that the Constitution was written to govern government, thereby limiting it; the Constitution was written to enforce on government a set of ideals, and protect and guarantee them for our posterity. Our exceptionalism has been no coincidence.

The progressive agenda is antithetical to the ideals enforced by the Constitution. Undermining the Constitution is therefore the key to progressives' achieving their agenda. This is why progressives, including former constitutional law instructor Obama, feel threatened by the constitutional conservative movement.

The constitutional conservative movement, however, is not solely a response to Obama progressives. Many constitutional conservatives have no great or sacrificial love for the Republican Party, and out of exasperation some have discussed forming a third party.

Too many Republicans over the past decades have been useful idiots or knowing collaborators in allowing the slow but sure progressive transformation of America toward statism and away from a government ruled by the Constitution. The reasons may vary, such as an under-developed understanding or vision of American ideals, a level of progressivism in their own views, or, as members of the ruling class, they see statism as protecting their standing and the establishment institutions created to profit from the growth of government.

Perhaps the number one reason why, however, is that we tolerated it. Republicans have been in bed with Democrats' using billions in taxpayer money to yearly finance ACORN, Planned Parenthood and thousands of leftwing causes in exchange for Republicans doling out big-farm and big-business subsidies.

Time after time, conservatives supported, contributed to, and voted for incumbent Republicans, returning them to office even after they had participated in violations of the Constitution and tit-for-tat corruption. We failed to enforce the paramount law on *them* through the legal penalty and enforcement mechanism our Constitution created, the ballot box.



Restating an old truth

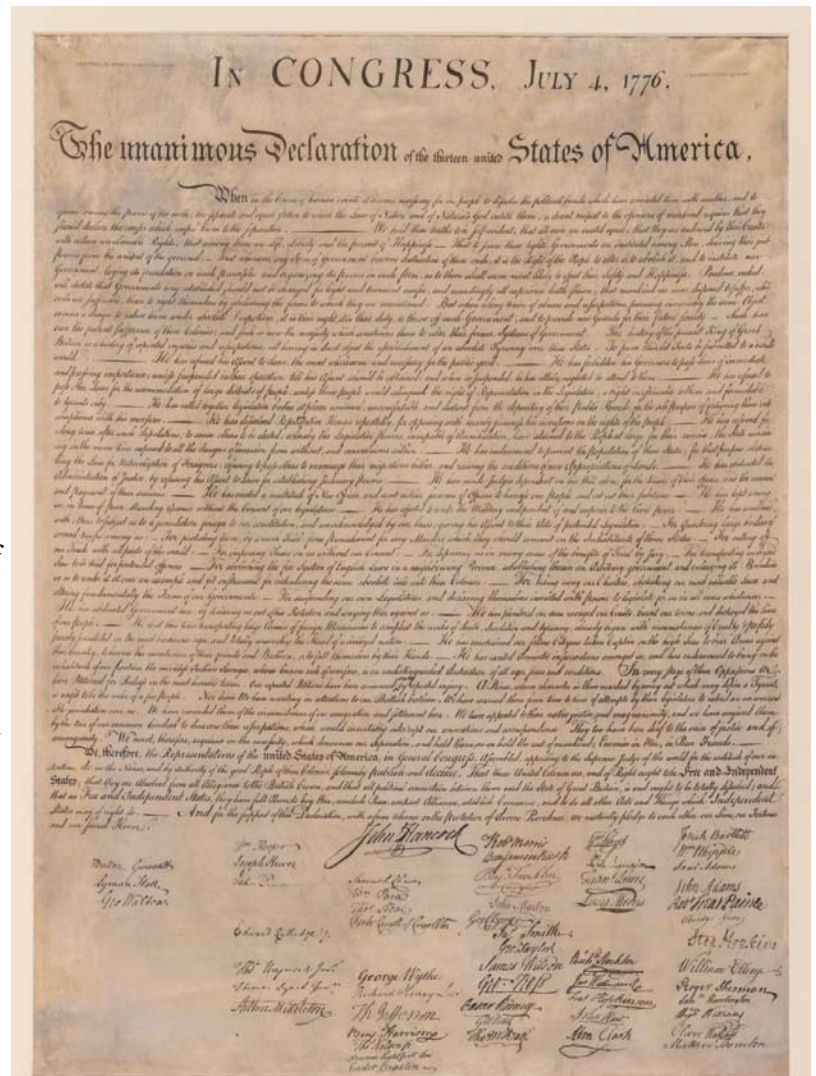
For Americans the “old truths,” as Nobel Prize-winning economist Frederick Hayek called them, are expressed in our Declaration of Independence. Among them is the one and only reason why legitimate governments are instituted: To secure *certain* unalienable rights endowed upon us by our Creator, and expressly three rights of life, liberty and the pursuit of happiness.

Government under the “old truths” of the United States has no legitimate purpose beyond this. When government has become *destructive* of these ends, it is our right to alter or abolish that government.

While statisticians are normally master thieves robbing freedom in the margins, the Obama administration is more open and notorious in its violations of our paramount law. Mr. Obama’s repeated removal of

our Creator in his references to the Declaration of Independence is transparently no coincidence. Progressives believe at last they are on the verge of a more complete transformation away from the ideals that distinguish America from all other nations on earth.

Let us, however, thank God for Barack Obama. Following big-government, lawbreaking Republicans of the past decade, where we lost freedom through our own somnolence because the thieves had “Rs” after their names, President Obama is the embodiment of a full-out progressive future. Mr. Obama’s administration, filled with radical progressives who would regulate our health, our food supplies, and, well, everything they can, has placed a hot spotlight on the true progressive agenda.





Often tempering his words because the majority of Americans would reject that future, he is nonetheless the transformational figure whom progressives wanted. His guarded but unmistakable disregard for the “old truths” has triggered the push back from constitutional conservatives. His methods of governing are the seven-alarm fire giving urgency to the constitutional conservative movement.

Tens of millions of Americans are waking up to what Mr. Obama’s 2008 campaign slogan meant. He was going to *fundamentally change America*. His goal was to diminish American exceptionalism. We now know what he meant: He intended to remake America by ignoring and violating the Constitution.

The Constitution was written to create a system of ordered, limited government to *protect* God-given rights. Under the law that governs government, these ideals may not be alienated by man-made rule of law. This is why we need to understand what the Constitution is, and enforce it.

Government is the biggest lawbreaker

We are conditioned to believe government is more benevolent than the rest of society. When we travel to states, billboards welcome us: “Buckle up. It’s the law, *and we care.*” Presidents’ State of the Union Addresses have become Huey Long campaign speeches about how much the state will take care of us — a chicken in every pot. Through taxpayer-financed public service announcements, we’re propagandized from an early age that government protects us from the “bad guys.”



What happens, though, when the government *is* the bad guys? Who protects us then?

Richard Nixon once told David Frost that when the president does it, that means it’s not illegal. We now have nearly an entire government thinking it can’t be illegal when government does it. To the contrary, government is society’s *biggest lawbreaker*, yet we fail to think of it that way.

Well, we had better start thinking of it that way. Today’s government is of unprecedented size in our history. Given its unprecedented interjection into American business and individual matters through police and regulatory power, when government officials regularly disregard legal boundaries on themselves, no individual or entity could possibly come in a close second place as the biggest scofflaw in America.

You wouldn’t know it from the government-lapdog news media, but Leviathan has become public enemy number one.

The Bureau of Alcohol, Tobacco and Firearms runs guns to Mexican thugs through Operation Fast and Furious, maybe even on stimulus money meant to create jobs. Department of Justice prosecutors withhold evidence, not just in criminal proceedings against the weak and relatively defenseless, but even against the powerful such as the late Republican Senator Ted Stevens, an even more brazen demonstration of their contempt for the rule of law.

Government transparency laws such as the Freedom of Information Act are violated routinely, keeping government’s bosses — the people — in the dark about public matters. In some jurisdictions police officers may now arrest you for videotaping them. All the while, government insists on more “sunlight,” licensing and Big



Brotherism for private transactions and matters. The Roman historian Tacitus was right. The more numerous the laws, the more corrupt the government.

Judge Andrew Napolitano, who gained fame as a Fox News personality, has for years sounded the clarion call about government lawbreaking. He wrote in the November/December 2004 Cato Policy Report, “In early 21st-century America, a dirty little secret still exists among public officials, politicians, judges, prosecutors and the police. The government — federal, state and local — is not bound to obey its own laws.”

By way of anecdote, one of the authors was at a Washington reception where a relatively new government employee in the ombudsman office of a federal agency said candidly, and with a sense of disappointment, “You’d be surprised at how many employees in the agency don’t follow the law.” While many people, such as the ombudsman, might be surprised that government employees don’t follow the law, we aren’t.

Government is not only a lawbreaker at the macro, constitutional level, but at the micro, statutory and regulatory levels as well.

When United States Congressman Phil Hare of Illinois, sworn to uphold the Constitution, says on video, “I don’t worry about the Constitution on [Obamacare], to be honest with you,” what is it that would make the many millions of unelected government officials enforcing statutory laws and regulations on businesses and people care to abide by the law that governs them?

Contempt for the Constitution by elected officials has created what might be called “trickle-down” lawbreaking. Unaccountable bureaucrats feel safe to violate the law and even show disdain for it when so-called accountable officials publicly mock legal limits on themselves.

The problem, however, is even more embedded.

Legislators from Congress to City Hall use taxpayer money to bribe voters with pork and entitlements to remain in office. Public unions use compelled dues indirectly paid by taxpayers to finance the election of statist elected official scofflaws, creating symbiotic, systemized government lawbreaking. This is a circle of corruption and legalized theft using taxpayer money.

Unelected, unaccountable bureaucrats are hidden by the sheer size of the bureaucracies in which they operate. They have power, and it is a condition of our humanity that power corrupts. Their relative anonymity fosters their lawbreaking.

Government agencies are given power of law enforcement, quasi-legislative power to create regulations with the force of law, and quasi-judicial power through



administrative agency hearings to adjudicate their own violations of law. This is the embodiment of tyranny — vesting the three fundamental government powers in one entity. Sadly, judge-made doctrine typically defers to this tyranny.

Bureaucrats in such agencies are therefore free, in fact are practically invited, to be arrogant in their violations of law. Especially with public employee unions protecting lawbreaking members, but even without, we have created a class of lawbreaking “untouchables” in government.

On June 16 of this year, for example, the Treasury Inspector General issued a report that the IRS, when it seized taxpayer property, failed to follow the law in 38 percent of the cases reviewed. Considering the theoretical inviolability of private property rights, that’s a staggeringly high percentage. It is safe to assume higher percentages of government lawlessness when so-called lesser rights are at stake.

Such levels of lawbreaking in the private sector would not be tolerated. If, say, a mortgage lender were caught violating the law in 38% of the mortgages it issued, this would be front-page news at *The New York Times*; Fannie Mae-lover Barney Frank would be frothing at the mouth; and congressional hearings would ensue to publicly humiliate bank executives. Existing laws would be lamented as insufficient, and new, more burdensome laws would be added to the books.

Statists rely on or accept government lawbreaking, lies and corruption to expand government. The fact that such systemic lawbreaking is financed by taxpayers under the so-called rule of law, with penalties on the taxpayer for not financing such lawbreaking, must make organized crime envious. Even our American lexicon has been corrupted. Instead of saying government may not break the law, people tend to say of high officials, “No one is *above* the law.”

Besides outright government lawbreaking, government often acts unlawfully by engaging in conduct beyond the scope of its legal authority. There is a legal term, *ultra vires*, that applies to acts beyond the scope of an entity’s legal authority. Acts that are *ultra vires* are generally unlawful and invalid.

All three branches of the federal government engage in unlawful, *ultra vires* acts when they exceed the powers vested in them by the Constitution. It is federal agencies, though, that most frequently act unlawfully by exceeding their statutory authority. Federal agencies are created by federal statutes, and derive all their powers and authorities from statutory law. They frequently operate beyond their statutory bases, and are far removed from accountability to voters.

The constitutional conservative push back against government lawbreaking infuriates statists. Statism would be weakened immeasurably without government lawbreaking.



Government lawbreaking is lucrative for cronies

Citizens, and even businesses lacking the comparable resources of government to fight violations of their rights through government lawbreaking, succumb. Those who stand up to protect their rights are targeted for harsher treatment to teach them a lesson and to make an example of them.

Unconstrained by constitutional limits, government intimidates and bullies individuals and companies through the threat of

investigations that cost time, money and market credibility. When individuals and companies are found innocent of wrongdoing, their good names are not restored and they cannot recoup their costs of complying with bad-faith investigations.

As they often do when threatened by the mafia, most companies conclude it's better business to pay *tribute* or protection money in the form of campaign donations to keep favor with those in power rather than face investigations. As New York's Attorney General, Eliot Spitzer mastered the art of using the overhanging threat of government investigations to help fill his campaign coffers. Authority exacts its respect one way or another.

Government unconstrained by the Constitution uses the carrot as well as the stick. Big government encourages or induces anti-free market behavior by big business. Why wouldn't big businesses in bed with government such as General Electric, for example, support the ban on incandescent light bulbs when the rule of law will create new, lucrative markets for green energy bulbs, complete with a readymade marketing slogan and free advertising by the government? Government uses tactics of the mob. Businesses turn to crony capitalism both for safety and a competitive edge.

For lawyers, lawbreaking by the State is a lucrative business. Through their professional associations such as the American Bar Association and the American Association of Justice (the euphemistic name change for the Association of Trial Lawyers of America), they participate in supporting statist lawmakers and bureaucracies, or even help craft laws that make their services all the more needed. Their clients are hostage to, and victims of, the lawyers' own actions.



Lawyers understand, perhaps better than most, that cases (and freedoms) are won and lost in the margins; that is to say, not by the notorious violations of law, but in the minutiae. The minutiae compounds itself in ways not or barely noticeable until it's too late.

The introductory comments to a recent draft of a model state law called the Protection of Charitable Assets Act, a project of the Uniform Law Commission comprised mostly of private lawyers, provides an example of the thousands of ways we lose rights without publicity:

Some observers expressed concern that an [Attorney General] might use the power of investigation for political purposes. While the risk of misfeasance exists with any power, the Drafting Committee concluded that *it could not make decisions based on an assumption or a possibility that a state official would misuse authority provided in the Act.* (Emphasis added.)

In other words, the law was crafted with the equivalent of government official *infallibility*. But our entire system of constitutional governance is based on the *presumption* that government officials *are fallible* and will abuse power. As Madison said, “The essence of Government is power; and power, lodged as it must be in human hands, will ever be liable to abuse.” Such malfeasance by these lawyers is an invitation for government officials to violate rights.

Writing laws using a presumption that government officials won't abuse them is unconscionable, yet it happens all the time. This particular committee of lawyers simply admitted it. Private, statist lawyers work hand in hand with government to undercut our liberties and the law that governs government. The lawyers in turn benefit from their own statism. They help make the legal mess, and then hire themselves out to navigate you through it. This is the moral equivalent of legal malpractice.

Between work and family, most Americans have little time to focus on national policy issues. Statists, on the other hand, are professionals at robbing us of our freedom incrementally and mostly unnoticed, like thieves in the night. To avoid backlash, they tend to violate the law that governs government a little here and a little there, as opposed to all at once. Judges too often defer to the government on these smaller, incremental violations of rights. It eventually compounds itself into a larger loss of freedom.

Fortunately we have a growing community of principled, small-government conservative lawyers who fight government lawbreaking and the ill effects of their statist colleagues. The Federalist Society, with its focus on originalist jurisprudence, is the most high-profile lawyer organization dedicated to constitutional conservative principles.

The Constitution is law, not a *blueprint* to be ignored

What then can we do when the constitutional structure that was designed to protect us against scofflaw government is damaged and seems headed for oblivion? Economically, the barbarians have broken through the gates and are in the citadel. Our institutions have been taken over by progressives. Our culture lacks enough visionaries of self-restraint.



Politically, we may have the worst and certainly the most ideologically hard-leftist president in history. Even that does not seem to be enough to sober up the entire Republican leadership from its drunken bender of power and compromise.

It is becoming clearer that the answers to our political problems, at least, depend in large part on how we view the Constitution, and how we enforce it against a government prone to violate it.

The Constitution has been subject to many views and interpretations. Some call it a “compact,” a “social contract” or a “living document.” *Time* magazine’s June 23 cover story calls it “a blueprint for the protection of democratic freedoms,” and then lists the magazine’s perceptions of the Constitution’s flaws and why it is acceptably ignored. Using the approach of the essay’s author, *Time* managing editor Richard Stengel, this “blueprint” couldn’t be much of a protection of freedoms.

The evidence that those views are insufficient “to retain their hold on men’s minds” is not necessarily Obamacare or unlawful actions of unnamed bureaucrats. The Framers anticipated there would be unconstitutional acts by government, which is why they created a structure of checks and balances to minimize government lawbreaking.

The greater evidence that we need a restatement of the old truths for our time is the contempt shown by public officials for the notion that a law governs *them at all*, except when they might seek to expand government through curious, strained or radical interpretations of the Constitution.

Without respect for the Constitution as law, our system of checks and balances breaks down and becomes ineffective. Ultimately, that respect is derived and imposed on elected officials by their sovereign bosses, the people. We’ve learned the hard way that the buck stops with us.



We must therefore begin by continuously reminding ourselves that the Constitution is the law that governs government. How we approach scofflaw government and cure the problem begins from that first step. If we are merely a nation of laws unbound by our paramount law — or as stated by Chief Justice Marshall in *Marbury v. Madison*, if the Constitution were “on a level with ordinary legislative acts, and like other acts . . . alterable when the legislature shall please to alter it” — then we are subject to tyranny under the law.

Unless we shift the discussion from merely being a nation of laws to one in which the Constitution is the law that governs government, we will continue the spiral downwards from our founding principles that are the basis for our exceptionalism. Unconstrained by the notion that government is subject to an overarching law, government will continue to be the biggest and most pervasive lawbreaker.



Thomas Jefferson

A gradation of authorities

Unlike other laws, the Constitution is not a regulation of, or a penal system for, the activities of private individuals or entities. It is an affirmative grant to, and express limitation on, power of the federal government, along with some restrictions on, and reservations of, the authority of state governments. States, of course, are otherwise subject to their own sovereign constitutions.

Thomas Jefferson wrote after his presidency, and not as a false campaign inducement to voters, about what he called a “gradation of authorities”:

[t]he way to have a good and safe government is not to trust it all to one, but to divide it among the many, distributing to every one exactly the functions he is competent to do It is by dividing and subdividing these republics from the great national one down through all its subordinations, until it ends in the administration of every man’s farm by himself . . . that all will be done for the best What has destroyed liberty and the rights of man in every government which has ever existed under the sun? The generalizing and concentrating all cares and power into one body

Can we think of anything now — from the air we breath to the CO₂ we exhale, our health decisions, our food, our means of protesting against bad policy — that isn’t regulated and monitored by the central federal government?

The painter who paints your house may need a certification from the Environmental Protection Agency. The Federal Communications Commission tries to regulate talk radio and the Internet under rationales that don’t sound like ideological censorship although that is the goal.

Under Obamacare, the federal government may compel you to buy products you don’t want, and gives the government discretion to grant exemptions for the selected few, such as high-priced restaurants in Nancy Pelosi’s congressional district, labor unions and corporations that support Democratic campaigns.

Far from Jefferson’s vision after he held the office now occupied by Barack Obama, we’re taxed, taught, touched and tormented at the direction of strangers who work in Washington, D.C.



First Lady Michelle Obama, who once told young people to take government or charitable sector jobs instead of corporate ones, has her Let's Move! campaign, ostensibly to promote healthy eating habits. All the while, her husband's Federal Trade Commission is waging war on free market advertising of health food using stringent federal standards for pharmaceuticals. American government has come to rely on cronyism, hypocrisy, bullying and everything that has the trademarks of tyranny and authoritarianism.

Both President and Mrs. Obama are lawyers whose careers have been dedicated to central-government policy. They achieved power, fame and even wealth through promising better health, more happiness — controlling sea levels, no less — through manipulating *the law*.

Progressives have used a corrupted view of the rule of law that relies on coercion. That view has replaced *our Creator* as the universal source of our wellbeing. The Constitution is an inconvenience, a flawed relic, a speed bump on the path to Utopia. Instead of protecting freedoms, the rule of law has become a cover for force and coercion. Absent a law governing government, the rule of law no longer secures liberty for ourselves and our posterity. The federal government using a more authoritarian rule of law has overtaken Jefferson's gradation of authorities.

Ben Franklin quipped that the Constitutional Convention gave us a republic, if we could keep it. Well, we haven't exactly kept it.

The separation of powers among three branches of government, a cornerstone to our republicanism, is meant to constrain tyranny. The trouble is that the separation of powers in practice has come to be used by the three branches as a means to protect the respective branches themselves, but not to protect freedom of the people. Witness claims of executive privilege over the past four decades to hide evasions of the law, or the abuse of the Speech and Debate Clause by former House Speaker Dennis Hastert to block investigations into suspected criminal conduct of Louisiana Congressman William Jefferson.

Did anyone see the irony that Congress used the Speech and Debate Clause so Congressman Jefferson was protected when he stashed cash in a *public* office freezer, while at the same time it has given federal agencies (or acceded to them) broad powers to search individuals and private businesses without the Fourth Amendment's requirements of probable cause, warrant, and oath and affirmation?

When was the last time the separation of powers doctrine was employed to protect the freedom of the governed? How often do government officials or judges say a



violation of this doctrine has trampled on individual liberty or violated any one of the Bill of Rights?

Fortunately, the Constitution employs more than the mere separation of powers. Under our federal system, the states are not merely recognized, but are reserved certain powers that the federal government may not claim.

For a number of reasons, though, federalism is also no longer an effective restraint on federal power, nor are states a reliable source of protecting against tyranny, having their own issues with abiding by the laws that govern them. States may be laboratories of government, but often the ‘scientists’ are a bit mad. States are also willing to sell out your rights for federal highway, education and stimulus money.

The relatively recent emphasis on the Tenth Amendment’s reservation of powers to the states (and the people) is a beginning of reclamation of power from the federal government. State lawsuits against Obamacare are a positive sign that federalism is not yet dead.

The rightful skepticism of the Anti-Federalists

The Federalist Founders thought the breakdown of a law-abiding government was to be constrained by the separation of powers combined with a system of federalism. The Anti-Federalists who opposed adoption of the Constitution were more skeptical. Patrick Henry declared, “There will be no checks, no real balances, in this government. What can avail your specious, imaginary balance, your rope-dancing, chain-rattling, ridiculous ideal checks and contrivances?”



Patrick Henry

In retrospect, both the Federalists and Anti-Federalists were correct. For substantiation of the Anti-Federalists’ position, simply read the list of the King’s Oppressions in the Declaration of Independence. We find these among the most intriguing because they are relevant to what is happening now:

[The King] has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance; and

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended legislation [for a longer list of abuses].

Using a modernized comparison of those Oppressions to our current federal government and compensating for the fact that there wasn’t (and isn’t) a written British constitution, the Anti-Federalists were right. The Constitution has been abridged. Its text has not constrained government.

The Federalists were also correct, however, because by having a written constitution we have a system that anticipates authority will be (not *might* be) unlawfully wrested, or “usurped” as the Founders would say.

The Declaration of Independence recognized “that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed.” In a large sense, our situation is not as bad as what oppressed the colonists of the 18th Century. On the other hand, we do have a written Constitution to which we can point and that may be enforced against government, yet we still suffer from a scofflaw government anyway.

Why now the movement for the law that governs government?

Why, then, do we appear to be in what veteran newspaperman Seth Lipsky calls our “constitutional moment?”

It’s not just President Obama’s ideology or his spending that frightens people. It is the realization that the Constitution has been treated as a meaningless barrier to government by the leaders of both the Democratic and Republican Parties.



Mr. Obama’s progressive regulatory state, though, is a faster move away from constitutionally governed government than what occurred under establishment Republicans or even Democrats such as Jimmy Carter and Bill Clinton.

It is no coincidence that the Constitution is being studied and addressed by more people than at any time in our lives. Where people may have once gathered for living room Bible studies, they now also gather to study and discuss the founding documents. People seem to understand that our national malaise, our unprecedented government debt, and many other problems once not considered related to the Constitution are inherently linked to America’s deviation from a government ruled by the Constitution.

Now more than ever, conservative Americans, especially new activists in the Tea Party, know the proverbial pot we’re in is no longer on simmer. It’s on full boil, and we’re about to be cooked really fast.

This is why we are seeing a new type of candidate emerge. It is the candidate who, on the campaign trail, speaks not only of lower taxes and more prosperity, but of the Constitution itself. We are seeing the resurrection of the Tenth Amendment, considered by the Washington political establishment and even many courts to be *dead letter*, i.e., no longer binding as law.

The result is that we have more elected officials who make the Constitution a foundation of their actions in office. This is leadership that is rewarded with popular approval.

Witness Senators Jim DeMint, Rand Paul and Mike Lee, Congresswoman Michele Bachmann, Congressmen Ron Paul and Steve King, and Virginia Attorney General Ken Cuccinelli, who have achieved national star status beyond their relative positions because they “get it.”



Constitutional conservatives have begun to force the conversation progressives, many politicians and the political establishment would prefer to avoid. We now have some (not enough) GOP presidential candidates who emphasize the Constitution, and don't merely pay lip service to who's more Reaganesque.

That being said, elected officials who swear to uphold and defend the Constitution (and actually mean it) may have legitimate disagreements about what is and what is not constitutional. We even have in our constitutional moment unconstitutional legislation, such as federal tort reform (torts are state matters), being considered.

The fundamental difference is that legitimate disagreements are not the same as outright ignoring, and intentionally and maliciously violating, the Constitution. The constitutional conservative movement has begun to sharpen and refine the focus of policy debates to what is lawful under the Constitution. Elected officials may not always hit the mark, but the bull's-eye is becoming more prominent.

With the rise in popularity of the Constitution as the law that governs government, we will also see constitutional poseurs. That's inevitable. Yet that is better than having elected officials who treat the Constitution with arrogance and contempt, as if violations of it were on the level of jaywalking or less.

If we are to reclaim the Constitution, we must begin first by changing attitudes about it on an even wider-scale basis. The commitment to government ruled by the Constitution must become a serious measure of a candidate's worthiness for office.

We need candidates who articulate why a constitutionally governed government brings us the greatest — and fairest — level of prosperity. Perhaps we can begin by demanding that those seeking elected office address how they will curb outlaw government, as opposed to who will bring the most pork to the voters.

A remedy obtained from the people

Madison saw the tiered, divided system of government that ultimately derives its power from the consent of the people — in a word, *republicanism* — as the most effective way to prevent or at least limit the abuse of power by government. Republicanism, however, has been overrun and diminished by lawbreaking government, and it no longer secures the freedoms that enable America's exceptionalism.



What freedoms that remain are now at the mercy of the contemptuous political establishment that runs our lawmaking and law enforcement systems. Its members mock the notion that they must cease and desist from their lawbreaking.

Their arrogant attitude about claims of injuries to our rights tends to be on the level of, “So sue us.” Even if suing Leviathan were an option, judge-made doctrines not found in the Constitution such as *standing* and *sovereign immunity* curtail citizens’ ability to succeed. “They” have rigged the rules to increase and protect their power at the expense of our freedoms, you see.

The 18th Century English legal giant Sir William Blackstone heavily influenced the Founders’ views of the law. In his *Commentaries on the Law of England*, he addressed legal wrongs (injuries) and their *remedies*: “The one natural remedy for every species of wrong is the being put in possession of that right, whereof the party injured is deprived.” In the words of today, we are legally justified in reclaiming and restoring our rights stolen by government lawbreaking. That is the long-accepted remedy.

The issue now becomes how Americans reclaim possession of the rights usurped by government lawbreaking. Government controls the corridors of power over our legal remedies against violations of our rights. Given its proclivities, government has and would continue to block our remedies of restoring those rights.

Madison identified the ultimate solution to the abuse of power by government using the legal term, “*remedy*.” The great question of *our* day is whether Madison was



too optimistic by claiming in Federalist No. 44, “in the last resort a remedy must be obtained from the people who can, by the election of more faithful representatives, annul the acts of the usurpers”?

In other words, is it too late to save America? We don’t dare suggest we have the answer to this great question. Based on some decades of activism, marketing, strategic planning — and *fighting against* government lawbreaking — we will nonetheless share some thoughts.

It isn’t merely elected officials with contempt for the Constitution who are the problem. We have an entrenched bureaucracy of lawbreaking government officials and agencies in numbers and with powers that may exceed Madison’s most pessimistic vision. We have *stare decisis* and other doctrines used by statist judges to protect deviations from the Constitution and enshrine them in our legal system for years to come.

There would be a whole lot of annulling to do. Statist fiefdoms will oppose, disregard, obstruct and do their best to sabotage reforms. Witness the recent organized thuggery in the smaller model of Wisconsin following infinitely lesser reforms to public unions.

The Democratic Party is now hostage to the progressive movement. It is of course important to defeat progressive Democrats where we can. However, Democrats are not the central problem. Replacing progressive Democrats with statist Republicans will not bring us our constitutional remedy. And, splitting the Republican Party by forming a constitutional conservative third party will only help Democrats, and will cement progressivism.

Our solution as conservatives is, in part, to defeat in primaries GOP incumbents who have contributed to the violations of our paramount law. In 1992, James Carville regularly repeated a phrase to drive home a point to Democrats: “It’s the economy, stupid.” The phrase we urge constitutional conservatives to repeat is, “It’s the primaries, stupid.”

The Soviet Union’s Brezhnev Doctrine was, in effect, *what we have conquered and taken is ours, and we will negotiate the rest*. Progressives, including their allies in the mainstream media, follow that approach to what they have usurped. They claim and act as though their constitutional violations and theft of liberty are not on the table for discussion. And, they try to label any attempt to undo unconstitutional programs as “radical” and “extreme.”



We are, however, beyond the point of settling for Republicans merely willing to say “no” to more growth of government by Democrats only so the political establishment may keep the *status quo*, or worse yet, grow government the *Republican establishment* way. We need leaders with a constitutional conservative vision. We need leaders willing to ‘rock the boat’ who will reclaim lost constitutional ground.

If we are to “annul the acts of the usurpers,” we must first review and audit federal agencies such as the Departments of Commerce (do American businesses really need government help?), Housing and Urban Development (shouldn’t people decide whether and how to buy their own homes?) and Education (wouldn’t we be better off returning education to the local level where it belongs?).

The list of government agencies and programs needing audits and review is long, but should also include quasi-public entities such as the Federal Reserve System, Fannie Mae and Freddie Mac.

Return rightful authority to the states. Let the states differentiate and compete, and give people the choice of which states best fit their needs instead of the federal one-size-fits-all. For example, citizens who want government-mandated health care, nanny state regulation and high taxes may live in Massachusetts. Those who want jobs and more freedom may live in Texas.

Just as people are aware generally of the societal costs of lawbreaking, we also need leaders who can articulate the costs to society of government lawbreaking. The message must be delivered by those who fully believe it and who can articulate it.

Like the Biblical Jews who had to wander for 40 years in the desert until that generation of failed, flawed leaders passed from the scene, constitutional conservatives need new leaders if we are to get to the political promised land. We must reward constitutionalists with our support, and defeat those who disregard the Constitution, who hold it in contempt, or who are wishy-washy about it.

At federal and state levels, we must elect only those who surround themselves with constitutionalist staffers, aides and advisors, not establishment statist. We’ve learned the hard way that personnel *is* policy.

Statists are the minority, but they are professionals. We must therefore train in electoral politics, get-out-the-vote activities and poll watching so elections aren’t stolen.



Support and encourage young people to attend The Leadership Institute and the Intercollegiate Studies Institute (ISI). Support and train at American Majority and Smart Girl Politics. We even have our own online seminars at vmionline.com (the Viguerie Marketing Institute) about public relations, grassroots fundraising, and laws affecting fundraising.

Constitutional conservatives need to get involved with political parties, attend party meetings and conventions, learn the ropes, and then run for party positions so we may influence the nomination processes and party platforms.

We must teach the younger generations the old truths, but using the language of their time. We cannot rely on the progressives and statists who have taken over our lower and higher education systems, and who seek to inculcate and poison our next generations. Like good teachers, we must learn and understand the subject matter better than our students are expected to learn it.

We must continue to read. We must continue to *study*.

In wars for freedom, our ancestors beat ploughshares into swords. We can do something less drastic. Read more of *The American Spectator*. Order the ISI and Liberty Fund Books catalogue; buy and read great books about liberty. Become learned in the principles of the Founders, and understand the lessons of history they understood. Don't be intimidated by legal principles; embrace them as a soldier does a weapon.

While reclaiming liberty is a marathon, we must begin by sprinting. The starting point, though, is not whether candidates will pay lip service to our founding ideals or who's more like Ronald Reagan, but whether candidates articulate the best view of government constrained by our paramount law, and then practice that in office.

Great president that Reagan was, he could not sufficiently scale back the size of government to reclaim it from the scofflaws. However, we now have more resources available than Reagan had.

Candidates for federal and state offices who fail to mention the Constitution in their campaign speeches or regularly in other public forums should not even be considered as worthy of our vote.

If we are to reclaim the law that governs government, we must 'cross-examine' candidates, and make their replies part of the 'public record.' In Appendix I, we provide a list of 30 questions to ask candidates to test their knowledge of, and fidelity to, the Constitution.



Citizens through their local Tea Party or other groups should send these and other written questions to candidates, stating the candidates' answers will be posted on the Internet. Attend town hall meetings and candidate forums with video cameras, ask some of these questions of the candidates, and post the exchanges on the Internet. We encourage you to post your videos at our website, ReclaimtheConstitution.com.

Professional politicians will tell you anything to get elected. Press them. One foolproof way of weeding out the poseurs is to ask them questions about what conservative activities they've attended, what organizations they belong to and support financially, and what publications and books they read. They may talk the talk. Find out whether they *walked with us before they became candidates*.

Candidates will come to understand they can no longer skirt the Constitution without being exposed.

For some time Americans have felt abused, betrayed and fed up with our leaders. There is a growing feeling of distrust of our national leaders at many levels.

Maybe it's time we looked in the mirror. Perhaps we, as much as our elected officials, have failed. Perhaps we've spent too much time on recreation or idle matters rather than on the business of protecting our freedom. Maybe we've become so complacent about what we have that we have let it slip away.

Some people in the political establishment have tried to place blame for the recent downgrade of our national credit rating on the Tea Party. Such arrogance and intellectual dishonesty will only bolster the constitutional conservative movement. If we constitutional conservatives are to be blamed, though, it may be for the reason that we didn't act soon enough.

Above all, though, let us proceed using the approach described by Thomas Jefferson: "In questions of power then, let no more be heard of confidence in man but bind him down from mischief by the chains of the Constitution."

~ End ~



Appendix I: Reclaiming the law that governs government through ‘cross-examining’ candidates for office

These 30 questions may be used to test candidates’ knowledge of, and fidelity to, the Constitution and small-government, constitutional conservative principles. This is not an exhaustive list, and is more geared for federal candidates. We believe this is a good list with which to start, and we encourage you to develop even more questions of your own.

Don’t forget to video record candidates being asked and answering your questions. You can submit your videos to ReclaimtheConstitution.com. Click Videos.

1. Do you believe that the Constitution is our fundamental and paramount law, and if so, do you believe the federal government often operates in violation of that law?
2. How would you best describe the Constitution given these five choices: (1) a compact, (2) a social contract, (3) a blueprint to protect liberty, (4) the law that governs government, (5) other (and explain what you mean by “other”)?
3. Do you believe in America’s exceptionalism, and if so, what is it and what creates or enables it?
4. Do you believe there is a link between violations of the Constitution and the level of our national debt? If so, explain the link. If not, why not?
5. Excluding Obamacare, name three laws enacted in the past 10 years you believe are unconstitutional, and explain why.
6. Name three Supreme Court decisions since 1970 you believe are constitutionally wrong, and explain why.
7. Is America in a constitutional crisis? Explain why or why not.
8. Who decides what the Constitution means?
9. In constitutional litigation, courts operate using a presumption that federal statutes are constitutional. Shouldn’t the federal government, not challengers, have the burden to prove that federal statutes are constitutional? Please give your reason(s).



10. What do you believe the Framers meant in the Preamble to the Constitution where they wrote that they established the Constitution to “secure the Blessings of Liberty to ourselves and our Posterity?”
11. Explain your understanding of the Constitution’s Necessary and Proper Clause.
12. What did the Framers mean by claiming the Constitution was established to “promote the general Welfare?”
13. Are you a member or financial supporter of any organizations that are dedicated to constitutional conservatism? If so, name them.
14. Who on your staff have been involved in constitutional conservative organizations, and what are the organizations?
15. What is your understanding of the connection between the Declaration of Independence and the Constitution?
16. The Declaration of Independence refers to “certain unalienable rights,” and expressly identifies three rights that governments are instituted to secure. What are those three rights?
17. Do you believe our federal government operates with the consent of the governed? If so, why? If not, why not?
18. Do you believe government is society’s biggest lawbreaker? If not, who or what entity is society’s biggest lawbreaker?
19. Do you believe the Constitution needs to be amended, and if so, what amendments do you believe are needed?
20. Provide some examples of officials in federal agencies that have failed to abide by the Constitution as to the statutes and regulations the agencies enforce or even write.
21. If elected to office, what would you do if you believed the President or a federal agency were operating in violation of the Constitution?
22. Do you believe that government officials who violate the law should be dismissed from government? If so, what would you do to ensure that lawbreaking government officials are dismissed?



23. What is your understanding of what it means to have a republican form of government?
24. Does a presidential executive order have the force of law, and if yes, under what provision of the Constitution?
25. What is your understanding of the separation of powers?
26. What is your understanding of the Tenth Amendment to the U.S. Constitution?
27. Name three elected officials currently in office who you believe are constitutional conservatives.
28. Name the past or current Supreme Court justice who you believe provides the best model for judicial appointments. Explain why you identify that justice.
29. What is your favorite book about the Constitution?
30. How does America return to a government governed by the Constitution?



Appendix II:

Examples of government lawbreaking

If you didn't think that government is society's biggest lawbreaker, you're in good company, but there are reasons why most people only see the tip of the iceberg when it comes to scofflaw government. It is virtually impossible to document all the types, never mind examples, of government lawbreaking.

First of all, most government lawbreaking occurs secretly outside the eye of the general public, despite the fact that government matters are supposed to be public and open to transparency. In Congress, it may occur in the back rooms. In bureaucracies, it may occur by deleting small bits of information to sway administrative outcomes.

Secondly, government has learned that a good way to keep its violations of law in the dark when people have reason to suspect lawbreaking is to evade government transparency laws, such as freedom of information acts. FOIA laws are now regularly violated, or through devious and creative evasions and delays, government makes the costs of producing information so expensive that most citizen investigators give up trying.

A third reason is that government lawbreaking commonly occurs when it is engaging in enforcement actions against individuals or private entities. Individuals typically lack the resources to fight government lawbreaking, do not have a level of access to public news sources to publicize government lawbreaking, or may not even know that their rights are being violated in the first place. Private commercial entities don't want to hurt their market reputations by acknowledging publicly that they are the subject of government law enforcement actions, and government lawbreakers rely on that. And, the subjects of government enforcement actions and whistleblowers are often intimidated or bribed by government officials. They fear that going public to expose government lawbreaking will only make their circumstances worse.

Another reason is that government bullies the subjects of its enforcement actions into private settlements, and generally the public never is informed of the government lawbreaking that took place in those enforcement actions.

The journalist "profession" also fails to do its job as watchdog. Since the media often side with big government, they don't want to bite the hands that feed them, and will often cover for what government lawbreaking they know about — that is,



unless the government lawbreaking is done by center-right officials. Compare the media's outrage against President George W. Bush and his attorneys general, especially Alberto Gonzales, to the deafening silence displayed towards President Obama and Attorney General Eric Holder.

Do you know of other examples of government lawbreaking?

We'll give the first person who sends the information credit -- or not if you prefer. And, if you have first-hand knowledge of government lawbreaking (local, state or federal), we'll protect your privacy. Go to ReclaimtheConstitution.com, and click Government Lawbreaking.

Presidential Lawbreaking

Bush ignores the laws he signs

http://www.inthesetimes.com/ittlist/entry/8885/gao_report_shows_bush_administration_ignores_laws_it_doesnt_like/

President Obama ignores court order overturning oil drilling moratorium

<http://www.examiner.com/conservative-in-spokane/obama-administration-found-contempt-of-court-over-drilling-moratorium>

Obama doubles down, defies clear court order, issues SECOND oil drilling moratorium

<http://www.humanevents.com/article.php?id=38029>

Obama defies court orders restricting Obamacare implementation.

<http://www.kiowacountysignal.com/opinions/x566173364/Obama-defies-court-in-continuing-with-Obamacare-implementation>

After hammering the Bush Administration for using "state secrets" privilege, Obama makes a habit of doing the exact same thing.

http://www.salon.com/news/opinion/glenn_greenwald/2009/11/01/state_secrets

Congress strips ACORN of federal funding; Obama gives it back

<http://spectator.org/blog/2011/06/30/obama-gives-new-grant-to-acorn>

Obama ignores ban on czars, claiming his "prerogative" to ignore the Constitution...in order to protect the Constitution

<http://biggovernment.com/tfitton/2011/04/25/obama-to-ignore-ban-on-czars/>

Obama shrugs off Constitution, makes Hillary Clinton Secretary of State

<http://miseryindex2008.blogspot.com/2008/12/obama-ignores-constitutional-law.html>

Obama without legal authority forces BP to create an escrow fund for Gulf oil spill

http://www.americanthinker.com/2010/06/is_obamas_bp_shakedown_an_impe.html

1st Amendment

Unconstitutional consent decree strips students and staff members' 1st amendment rights

<http://www.lc.org/index.cfm?PID=14100&PRID=1084>

District court ignores blatant religious discrimination in employment termination

<http://www.lc.org/index.cfm?PID=14100&PRID=1013>

School throws the Constitution to the wind, violates boy's right to fly flag on his bicycle for VETERANS DAY.

<http://www.lc.org/index.cfm?PID=14100&PRID=1002>

School board stomps on Constitution, strips religious group of equal access, 1st amendment rights

<http://www.lc.org/index.cfm?PID=14100&PRID=996>



Maine strips group of 1st amendment rights for exposing Muslim indoctrination in public schools
<http://www.lc.org/index.cfm?PID=14100&PRID=859>

Free speech, normal human interaction banned by North Carolina state parks
<http://www.lc.org/index.cfm?PID=14100&PRID=765>

Government muzzles 1st Amendment rights during Wikileak scandal
<http://www.csmonitor.com/USA/Foreign-Policy/2010/1207/US-to-federal-workers-If-you-read-WikiLeaks-you-re-breaking-the-law>

Arkansas town council plays God, strips entire town of 1st Amendment rights
<http://nation.foxnews.com/first-amendment/2011/07/17/arkansas-town-threatens-citizens-constitutional-rights>

Judge laughs at freedom of the press, orders St. Louis Business Journal to stop presses
<http://www.thefreelibrary.com/Judge+ignores+law,+stops+SBJ+from+printing+public+news.-a016989192>
http://findarticles.com/p/articles/mi_hb6666/is_n174_v24/ai_n28655552/

Reporter dares to ask questions of a judge, judge throws him in jail
<http://www.libertariannews.org/2011/07/06/judge-has-reporter-arrested-for-asking-him-questions-on-his-way-to-court/>

Man faces LIFE in jail for recording police—despite it being utterly legal! <http://www.infowars.com/man-faces-life-in-jail-for-recording-police/>

Protesters illegally arrested, detained, questioned
<http://www.justiceonline.org/commentary/pcjf-wins-settlement-in-illegal-arrest-case-in-dc.html>

2nd Amendment

The Bureau of Alcohol, Tobacco, and Firearms pressures Montana and 7 additional states after they pass the Firearms Freedom Act, which restricts federal regulation of firearms made and sold within the states' borders.
http://missoulia.com/news/state-and-regional/article_0b9cc232-467d-11df-9cbf-001cc4c002e0.html

Lancaster City ignores state preemption law, issues stricter gun law
<http://www.nraila.org/news/read/inthenews.aspx?ID=12573>

Harrisburg City Council ignores state preemption law, issues stricter gun law
<http://www.nraila.org/News/Read/InTheNews.aspx?ID=12435>

Mission, TX ignores state law, bans handguns in certain buildings
<http://www.texaschforum.com/viewtopic.php?f=7&t=187>

Omaha ignores state law deregulating city handgun registration
<https://www.facebook.com/topic.php?uid=181478915632&topic=13854>

Kansas AG ignores plain gun law language, institutes new regime
<http://www.thehighroad.org/archive/index.php/t-249303.html>

Ignoring state law, Illinois state police arbitrarily limit gun licensing.
<http://armedandsafe.blogspot.com/2007/10/illinois-state-police-department-breaks.html>

With eyes wide open, Florida cities and counties continue to break state gun carry laws
<http://www.allnineyards.com/?p=158>

Hero has gun taken as evidence, is denied the right to register new handgun, is forced into hiding to protect himself from gang reprisal
<http://www.pnewswire.com/news-releases/omaha-walgreens-hero-still-being-denied-right-to-self-defense-92991329.html>



4th Amendment

Obama and Department of Homeland Security (DHS) Secretary Janet Napolitano applaud the Transportation Security Administration's (TSA) warrantless groping of men, women, children, the elderly, and the infirm during airport screenings that reek of police state tactics.

<http://www.dailymail.co.uk/news/article-1331454/Obama-defends-TSA-pat-downs-President-gets-skip-them.html>

Robert Dean stands up to, sues the Transportation Security Administration for violation of 4th Amendment rights to freedom from unreasonable searches and seizures.

http://www.huffingtonpost.com/2010/11/23/robert-dean-sues-tsa-over_n_787777.html

Department of Homeland Security raid on religious program blatantly tramples 4th Amendment rights

<http://www.lc.org/index.cfm?PID=14100&PRID=922>

Georgia state government steals personal property through civil seizures, ignores accountability/reporting laws

<http://biggovernment.com/bewing/2011/03/30/breaking-lawsuit-atlanta-citizens-fight-back-against-forfeiture-abuse/>

http://www.ij.org/index.php?option=com_content&task=view&id=3114&Itemid=165

Judge ignores law, orders sale of man's seized house

<http://legalschnauzer.blogspot.com/2008/04/judge-ignores-law-in-real-time.html>

Ignoring the Supreme Court, Iowa school strips-searches teen girls

<http://www.askthefudge.info/iowa-school-ignores-supreme-court-ruling-on-strip-searches/3184/>

State regulator investigations of 9/11 charities—illegal because they don't require probable cause

<http://www.charityregulatorwatch.com/>

Executive orders as a means to bypass Congress

"Stroke of the Pen.

Law of the Land.

Kinda Cool."

— Clinton Presidential Advisor, Paul Begala

1998 House Report on abuse of Executive Orders

<http://www.uhuh.com/nobypass/eo13083/hitlerarmey.htm>

Obama attempts to silence political opponents, issues executive order requiring those bidding on government work to disclose campaign contributions

http://blog.gulflive.com/mississippi-press-opinion/2011/08/president_obama_is_attempting_to_silence_his_political_opponents_op-ed.html

To date, U.S. courts have overturned only two executive orders: one Truman order, and a 1996 order issued by President Clinton that attempted to prevent the U.S. government from contracting with organizations that had strike-breakers on the payroll.

http://en.wikipedia.org/wiki/Executive_order

Obama uses executive powers to enact DREAM act amnesty policies, bypassing Congress and the rule of law.

<http://www.therightscoop.com/krauthammer-this-is-outright-lawlessness-from-obama-admin/>

Obama issued an executive order granting de facto amnesty for illegal aliens

<http://blog.heritage.org/2011/08/19/backdoor-amnesty-abusing-the-constitution-and-presidential-authority/>



Clinton rewrites Constitution, violates 10th Amendment, with executive order
http://www.wnd.com/news/article.asp?ARTICLE_ID=14513

Bypassing Congress, Clinton waged war on Yugoslavia through executive orders and presidential directives
<http://www.usasurvival.org/kosovowar.html>

Federal regulation as a means to bypass Congress

In an end-run around Congress, Obama's Environmental Protection Agency declares carbon to be a toxic pollutant subject to regulation after his Cap and Trade carbon-taxing scheme failed in Congress
<http://www.canadafreepress.com/index.php/article/17711>

Environmental Protection Agency illegally regulates greenhouse gases in Texas, Texas warns them to stop
<http://farmfutures.com/blogs.aspx/texas-takes-stand-against-epa-1571>

Environmental Protection Agency institutes illegal regulations, is taken to court by the Pacific Legal Foundation
<http://www.cdtoa.org/news/1048-july-2011/1582-dctoa-joins-groups-taking-epa-to-court-for-violating-federal-law>

Department of Health and Human Services adopted regulations not required by Obamacare and in defiance of an Obama 2010 executive order, requiring health plans to cover contraception in violation of conscience protection laws
<http://chicagonow.com/publius-forum/2011/08/hhs-sec-sebelius-adopts-guidelines-violating-obamas-executive-order>

Department of Health and Human Services mandate forces insurance providers to cover abortion services
<http://www.heritage.org/Research/Reports/2011/08/HHSs-New-Health-Guidelines-Trample-on-Conscience>

Homeland Security Secretary Napolitano usurps Congress's policy-setting authority, pushes back REAL ID deadline 20 months. Sen. Grassley and Rep. Lamar Smith push back.
http://grassley.senate.gov/news/Article.cfm?customel_dataPageID_1502=33369
<http://judiciary.house.gov/news/2011/march/REAL%20ID%20Letter.html>

Cap and Tax defeated, Environmental Protection Agency does end-run around Congress
<http://multiculturallife.org/?p=3603>

Oklahoma sues Environmental Protection Agency for overregulation, keeping the state from complying with state mandate
<http://www.oklahomakonstitution.com/ns.php?nid=312>

Environmental Protection Agency ignores the Constitution, statutes in proposal rule regulating greenhouse gases
<http://www.nationalreview.com/corner/186369/epa-ignores-statutes-constitution/ian-murray#>

Environmental Protection Agency ignores court mandates to revoke unlawfully issues laws
http://www.foley.com/files/tbl_s31Publications/FileUpload137/636/pub_epa_stoll.pdf

Department of Energy ignores federal law, closes nuclear waste plant in NV
<http://af.reuters.com/article/energyOilNews/idAFN0121361920110601>

Obama administration ignores federal law, regulates the Internet
<http://biggovernment.com/smotley/2011/04/13/obama-administration-ignores-federal-law-to-regulate-internet/>

U.S. Immigrations and Custom Enforcement czar ignores the law, misrepresents it, sidesteps due process, and confiscates domain names
<http://www.techdirt.com/articles/20110228/11122813301/ice-boss-its-okay-to-ignore-constitution-if-its-to-protect-companies.shtml>

Environmental Protection Agency violates law by failing to get public comment in Superfund Cleanup
http://www.gascape.org/index_02/EPA%20MISCONDUCT%20IN%20BLOOMINGTON



Environmental Protection Agency's unilaterally-issued permit regulations hurt American industry
[Http://geoffdavis.house.gov/REINS/News/DocumentSingle.aspx?DocumentID=249484](http://geoffdavis.house.gov/REINS/News/DocumentSingle.aspx?DocumentID=249484)

Environmental Protection Agency unilaterally designates private property a wetlands area to seize control
[Http://www.pacificlegal.org/VA-farm-family-battles-EPA-attempt-to-seize-control-of-their-land](http://www.pacificlegal.org/VA-farm-family-battles-EPA-attempt-to-seize-control-of-their-land)

Department of Homeland Security halts deportation of illegal aliens — despite the fact that the DREAM Act isn't law
<http://blog.heritage.org/2011/08/19/backdoor-amnesty-abusing-the-constitution-and-presidential-authority>

U.S. Minerals Management Service ignored law, permits, in granting drilling rights offshore
<http://www.nytimes.com/2010/05/14/us/14agency.html>

The Environmental Protection Agency's endangerment rule gives it unconstitutional authority—that it wields heavily
<http://www.aim.org/guest-column/the-epa-versus-the-usa/>

The Bureau of Alcohol, Tobacco and Firearms throws taxpayer-funded party to celebrate blatant overregulation
http://armsandthelaw.com/archives/2011/08/atf_hq_celebrat.php

Department of Homeland Security dismissing deportation cases against CRIMINALS, despite lacking statutory authority to waive these cases
<http://www.chron.com/news/houston-texas/article/U-S-senators-call-for-probe-into-immigration-1717473.php>

Freedom of Information Act

Obama illegally ignores Freedom of Information Act (FOIA) requests for White House visitor logs
<http://usbacklash.org/obamas-least-transparent-admin-in-history-cant-continue-ignoring-foia-requests/>
<http://www.judicialwatch.org/foiablog/2009/jun/foia-white-house>

Department of Homeland Security illegally ignores Freedom of Information Act (FOIA) requests from House committee chairman Issa
<http://www.newsmax.com/US/obama-issa-FOIA-homelandsecurity/2011/02/02/id/384790>
<http://www.maggiesnotebook.com/2011/02/big-sis-sics-mob-on-darrell-issa-issa-subpoenaes-dhs-officials/>

Department of Homeland Security illegally rejects 90% of Freedom of Information Act (FOIA) requests
<http://www.fiercegovernmentit.com/story/dhs-grants-1-10-foia-requests-full/2011-01-20>

Department of Labor illegally ignores Freedom of Information Act (FOIA) requests
<http://www.thewhitehousewatch.com/obamas-labor-department-ignores-freedom-of-information-act/>

National Labor Relations Board illegally ignores Issa's Freedom of Information Act (FOIA) requests
<http://www.militaryphotos.net/forums/showthread.php?202739-NLRB-Ignores-Congressional-Subpeona-and-is-sued-for-suing-Boeing>

Bonneville Power Administration illegally ignores Freedom of Information Act (FOIA) requests, is overruled by the US Department of Energy Office of Hearings and Appeals
<http://www.bpawatch.com/newsletters/BPANewsletter4-11-05-08.pdf>

Illinois school fined for illegally ignoring Freedom of Information Act (FOIA) requests
<http://news.ptfs.com/foia-and-declassification/2011/08/illinois-school-pays-for-ignoring-foia-requests>

ATF illegally ignores Freedom of Information Act (FOIA) on "Fast and Furious," Chairman Issa threatens contempt proceedings
<http://dailycaller.com/2011/04/20/obama-snubs-issa-on-subpoena-for-atf-documents/>



Immigration and Customs Enforcement does mass domain seizures of questionable legality, and then ignores Freedom of Information Act (FOIA) requests

<http://thirdpipe.com/?p=9532>

<http://www.techdirt.com/articles/20110614/00280814679/ice-stalling-more-foia-requests-concerning-domain-name-seizures.shtml>

More background on domain seizures:

<http://www.techdirt.com/articles/20110718/10533315148/why-hasnt-ice-been-talking-about-its-latest-domain-seizures.shtml>

Taxpayer-funded Fannie and Freddie not subject to Freedom of Information Act (FOIA)?

<http://washingtonexaminer.com/blogs/beltway-confidential/2011/01/chaffetz-calls-foia-apply-fannie-freddie>

Judicial Watch submits Freedom of Information Act (FOIA) request for all Transportation Security Administration (TSA) complaints — TSA tells Judicial Watch to define “complaint,” instead of complying as legally required.

<http://www.sfexaminer.com/blogs/beltway-confidential/2011/02/tsa-tells-foia-requestor-define-complaint>

Justice Department politicizes responses to Freedom of Information Act (FOIA) requests

<http://pajamasmedia.com/blog/bombshell-justice-department-only-selectively-complies-with-freedom-of-information-act-pjm-exclusive/>

Environmental Protection Agency illegally ignores/evades Freedom of Information Act (FOIA) requests

<http://www.sludgevictims.com/Preface.html>

Obama’s energy czar defies court order, destroys computer files in face of direct order to preserve them

<http://michellemalkin.com/2008/12/12/crooked-carol-browner-obamas-ethically-challenged-energy-czar/>

NASA ignores Freedom of Information Act (FOIA) requests, then releases material proving corruption

<http://pajamasmedia.com/blog/climategate-2-0-%E2%80%94-the-nasa-files-u-s-climate-science-as-corrupt-as-cru-pjm-exclusive-%E2%80%94-part-one/>

Court slams Federal Deposit Insurance Corporation (FDIC) for ignoring Freedom of Information Act (FOIA)

<http://biggovernment.com/tfitton/2011/01/05/court-slams-fdic-for-failing-to-abide-by-foia-law-in-judicial-watch-bailout-lawsuit/>

Justice Department ignores Freedom of Information Act (FOIA) just for fun

<http://pajamasmedia.com/blog/bombshell-justice-department-only-selectively-complies-with-freedom-of-information-act-pjm-exclusive/?singlepage=true>

National Labor Relations Board (NLRB) sued Boeing to prevent it from opening a production plant in South Carolina, ignores House Government Oversight and Reform Committee subpoena to produce document, ignores statutory deadline to respond to Judicial Watch’s Freedom of Information Act (FOIA) request

<http://sacbee.com/2011/08/16/3841750/judicial-watch-sues-national-labor.html>

Judge ignores Freedom of Information Act, refuses penalty on Westmoreland County

<http://blog.vivianpaige.com/2011/03/16/judge-ignores-law/>

Despite court ruling, Stonington, CT decides to ignore Freedom of Information Act

<http://www.theday.com/article/20110503/NWS01/305039929/1069/rss>

War Powers Act

Obama violated the War Powers Act in Libya http://www.huffingtonpost.com/2011/06/15/kucinich-obama-war-powers-act-libya_n_877396.html



Obama violates the War Powers Act through military intervention in Libya and failing to get subsequent congressional authorization
<http://www.outsidethebeltway.com/ten-congressmen-sue-president-obama-over-libya-mission-war-powers-act/>

Obama breaks War Powers Resolution; Congress is complicit
<http://www.thenewstribune.com/2011/05/29/1684652/congress-abets-obamas-law-breaking.html>

Clinton ignores War Powers Act, invades Kosovo
<http://www.historycommons.org/context.jsp?item=a032499clintonwprkosovo#a032499clintonwprkosovo>

Judges/Courts

Michigan judicial panel mandates racial preference in college scholarships/admission
<http://committeeofjustice.blogspot.com/2011/07/racial-preferences-decision-is.html>

Judges throw out constitutional amendment on technicality
<http://www.newswithviews.com/Bill/sizemore10.htm>
http://ballotpedia.org/wiki/index.php/Oregon_Supreme_Court
[http://ballotpedia.org/wiki/index.php/Oregon_Ballot_Measure_7_\(2000\)](http://ballotpedia.org/wiki/index.php/Oregon_Ballot_Measure_7_(2000))

Judge ignores settled law, strips school choice
http://azstarnet.com/news/opinion/article_8de95cab-9f5f-5de2-93d7-28f5b7d0f847.html

Despite the fact that New York did not recognize same-sex marriage at the time, NY judge allows gay divorce
<http://abcnews.go.com/TheLaw/story?id=4347231&page=1>

Judge ignores law, throws out case against late-term abortionist George Tiller
<http://www.illinoisrighttolife.org/NewslineArchive1206.htm>

Federal judge ignores Constitution, military leaders on Don't Ask Don't Tell
<http://www.frc.org/pressrelease/federal-judge-ignores-the-constitution-military-leaders-on-dont-ask-dont-tell>

Washington Supreme Court ignores state and federal election law
<http://www.soundpolitics.com/archives/003289.html>

Indiana court ignores "Protection of Lawful Commerce in Arms Act"
<http://www.nraila.org/Legislation/Federal/Read.aspx?id=3276>

Supreme Court ignores state amendment, rewrites consumer fraud law
<http://www.masstortdefense.com/2011/02/articles/state-supreme-court-ignores-amendment-to-find-standing-in-consumer-fraud-claim/>

Court ignores explicit content of legally binding contract
<http://turnerlawapc.com/news/2011/04/14/construction-contracts-court-ignores-explicit-specialty-license-requirement-in-contract/>

Court ignores law, refuses to reduce sentence
<http://www.johnlocke.org/lockerroom/lockerroom.html?id=25745>

Judge ignores precedent, evidence in California Proposition 8 case (Ed Meese)
<http://www.washingtonpost.com/wp-dyn/content/article/2010/08/16/AR2010081604254.html>

Federal judges break law, suspend lawyer's license with no hearing, notice of charges, or findings of misconduct
<http://www.judgewatch.org/judicial-discipline/federal-6-11-98/54-where-do-you-go.pdf>



Family Sanctity/ Parental Rights

Social workers illegally threaten to seize children from parents if parents do not allow an impromptu home inspection
<http://www.hslda.org/hs/state/az/200710220.asp>

Child Protection Services social workers required to stand before jury due to actions
<http://fightcps.com/2010/04/04/arizona-cps-social-workers-attorney-and-law-enforcement-agents-must-face-a-jury-over-coerced-forced-entry/>

Colorado state social worker ignores federal law
<http://www.hslda.org/hs/state/co/200711280.asp>

Home School Legal Defense Association top stories archive
<http://www.hslda.org/topstoriesarchive.asp>

Despite a state order, state social worker refuses to reveal allegations to accused family
<http://www.hslda.org/hs/state/ca/201011050.asp>

Child Protective Services promises to continue breaking the lawbreaking
<http://www.nccprblog.org/2009/04/texas-cps-promises-to-break-law.html>

Department of Social Services ignores state and federal law, threatening to endanger special needs child
<http://stopcorruptdss.wordpress.com/2009/04/29/state-agency-breaks-laws-robbing-foster-child-of-stable-home/>

Department of Family and Child services violates regulations freely
<http://www.theclaytontribune.com/articles/2006/06/08/news/news03.txt>

Mississippi judge illegally orders information disclosure, is overruled
<http://www.hslda.org/docs/media/2011/201104260.asp>

School superintendent makes up law, demands non-required forms
<http://www.hslda.org/hs/state/oh/201006070.asp>

Judge ignores state home schooling law on multiple counts, orders penal charges against mother
<http://whyhomeschool.blogspot.com/2007/03/homeschoolers-in-news.html>

Against parents' religious objections, court orders vaccination of baby
http://www.tetrahedron.org/articles/vaccine_awareness/judge_ignores_law.html

School strips parental authority, bans homemade lunches, forces parents to purchase school lunches for "health reasons"
http://articles.chicagotribune.com/2011-04-11/news/ct-met-school-lunch-restrictions-041120110410_1_lunch-food-provider-public-school

Dereliction of Duty

If the victims are white, the Justice Department won't prosecute hate crimes
<http://civicsnews.blogspot.com/2009/07/holder-no-equality-under-hate-crimes.html>

Attorney General Eric Holder refused to prosecute the New Black Panther Party when members brandished clubs, made ethnic slurs, and threatened white voters attempting to enter the polls.
<http://www.wnd.com/?pageId=173117>

Obama refuses to secure the southern border while Americans die on American soil at the hands of criminal illegal aliens.
<http://www.foxnews.com/politics/2010/06/21/kyl-obama-wont-secure-border-lawmakers-immigration-package/>



US deaths at the hands of illegal immigrants

http://www.youtube.com/watch?v=6Lb3oFzCj_0; <http://www.youtube.com/watch?v=95UQXvqfXnE>

Obama ignores Constitution Article IV, Section 4 by not sealing the border

<http://studygrowknowblog.com/2010/08/17/president-obama-ignores-article-iv-section-4-of-the-u-s-constitution/>

Government fails to protect government whistleblowers

<http://jonathanturley.org/2011/03/06/promises-promises-is-the-obama-doj-going-after-whistleblowers>

Red Light Cameras

Judge ignores previous ruling, throws out due process, for robo-ticketing red light cameras

<http://www.thenewspaper.com/news/32/3251.asp>

<http://www.banthe cams.org/Court-Decisions/judge-ignores-legal-protections-on-innocent-until-proven-guilty-to-protect-accident-causing-scammers.html>

Town ignores state law, issues robotickets

<http://www.columbiacitypaper.com/2011/02/10/town-of-ridgeland-ignores-state-law-in-i95-photo-ticket-scam/comment-page-1/>

Washington, LA decides to ignore state law, keep over \$200,000 in speed trap fines

<http://www.kalb.com/story/14753477/town-ignores-law-targeting-speed-traps>

To make a profit, St. Louis ignores law by not posting required warning signs

<http://camerafraud.wordpress.com/2009/07/22/st-louis-ignores-law-for-profits/>

Multiple Michigan cities ignore state law on speed traps

<http://blog.motorists.org/michigan-cities-break-law-more-speeding-tickets/>

City law enforcement ignores state law, uses speed trap cameras for other uses

<http://bancams.com/lynnwood-breaks-state-law-and-improperly-uses-camera-footage/>

Town ignores state mandate, institutes photo speed trap

<http://www.banthe cams.org/Speed-Camera-News/sc-town-breaks-state-law-outlawing-photo-enforcement-puts-speed-cameras-on-i-95.html>

Police Lawbreaking

Police break traffic laws, kill two people

<http://hotspot.courier-journal.com/2006/07/when-police-break-law.html>

Authorized criminality: police breaking the law to enforce it

<http://legalworkshop.org/2010/02/24/breaking-the-law-to-enforce-it-undercover-police-participation-in-crime>

Civilian reports police officer for ignoring parking laws, is then stalked by the officer he reported

<http://www.examiner.com/civil-liberties-in-national/police-officer-stalks-man-who-caught-him-breaking-the-law>

Police use badges to break law, are arrested by FBI for extortion, conspiracy to distribute cocaine

<http://www.examiner.com/civil-liberties-in-national/police-officer-stalks-man-who-caught-him-breaking-the-law>

New Orleans police use Katrina as excuse to illegally seize weapons, threaten to do it again if another disaster strikes, despite losing lawsuit to the NRA

<http://www.realpolice.net/forums/police-officer-headlines-76/53143-new-nola-police-chief-urges-officers-break-law.html>

Judge fines police officer for parking in no-parking zone

http://blog.oregonlive.com/breakingnews/2008/07/a_judge_today_found_a.html



Police caught in widespread steroid use when their dealer/doctor died
http://www.nj.com/news/index.ssf/2010/12/hundreds_of_nj_police_firefigh.html

Intriguing way to punish lawbreaking policemen
http://www.usatoday.com/news/offbeat/2007-08-06-hello-kitty-cops_N.htm

NYC police ignore law, maintain unconstitutional database of cleared suspects
<http://www.nytimes.com/2010/05/20/nyregion/20frisk.html>

Denver police ignore pot possession law change, continue to make arrests
<http://www.austinchronicle.com/news/2005-12-09/317550/>

DC Police ignore gun laws, threaten to arrest and prosecute anyone transporting a gun through DC
<http://www.ar15.com/archive/topic.html?b=8&f=29&t=263750>

Police ignore state laws, police policies, Constitution, take cameras from citizens filming police, falsely tell the public they have no right to record a conversation with an officer
<http://www.pixiq.com/article/portland-cops-rewrite-laws-and-policy-while-shattering-constitution>

Massachusetts police, state, ignore voided-ticket law created to curb corruption
www.thecrimereport.org/share-post/many-mass-police-units-ignore-voided-ticket-law

Chicago PD ignore laws, grills kids without juvenile officers/parent present
<http://www.chicagotribune.com/news/watchdog/chi-0112180243dec18,0,3280024.story>

Most Oklahoma law enforcement agencies ignore Open Records legislation
<http://newsok.com/law-officers-often-ignore-right-to-know/article/541219>

During spurious search which netted no criminal activity, officers shot non-attacking family pet, are forced to pay family \$330,000
<http://news.yahoo.com/blogs/lookout/chicago-police-must-pay-330k-killing-dog-home-200148841.html>

Connecticut Justice official: "If I don't like the law, I'll just tell police to ignore it."
<http://pajamasmedia.com/instapundit/127191/>

Philly police: "We promise to continue violating your rights"
<http://www.theagitator.com/2011/05/25/philly-police-we-promise-to-continue-to-violate-your-rights/>

Police repeatedly ticket, arrest free taxi providers over law that doesn't exist
<http://www.copblock.org/7390/i-was-arrested-for-a-law-that-dont-exist/>

Auburn police violate state open-records laws
http://auburnpub.com/news/local/article_831d10c2-be3c-11e0-889d-001cc4c03286.html

Healthcare

Federal government tramples conscience protections with healthcare mandate
<http://www.hslda.org/docs/news/201108230.asp>

Obamacare found unconstitutional for forcing citizens to purchase healthcare
<http://usbacklash.org/obamacare-socialized-healthcare-ruled-unconstitutional/>

Obama administration forces seniors to enroll in Medicare in order to receive their Social Security payments — despite lack of law backing this enforcement
<http://healthcare-coalition.org/BlogRetrieve.aspx?PostID=178593&A=SearchResult&SearchID=258320&ObjectID=178593&ObjectType=55>



Administration ignored Judge Vinson's decision and the "stay" requiring the Department of Health and Human Services (HHS) to stop implementing ObamaCare.

http://www.huffingtonpost.com/2011/01/31/health-care-reform-ruling_n_816257.html

<http://www.csmonitor.com/USA/Justice/2011/0303/Judge-chides-Obama-for-ignoring-health-care-ruling-urges-fast-track-appeal>

Schwarzenegger ignores state healthcare law

http://www.lexisnexis.com/community/workerscompensationlaw/blogs/newsheadlines/archive/2010/02/17/ca_3a00_-injured-worker_1920_s-advocates-say-governor-ignores-law-to-benefit-insurance-companies-and-large-corporations.aspx

Recipients of federal funds

Massive Planned Parenthood cover up revealed

<http://www.lc.org/index.cfm?PID=14100&PRID=1056>

Planned Parenthood offers services to declared child traffickers

<http://www.lc.org/index.cfm?PID=14100&PRID=1032>

Posse Comitatus

http://en.wikipedia.org/wiki/Posse_Comitatus_Act ; http://www.dojgov.net/posse_comitatus_act.htm

Violating federal law, Florida crime-stoppers hotline uses Homestead Air Force Base troops to respond to off-base crimes in civilian territory

<http://www.infowars.com/busting-posse-comitatus-military-cops-arrest-civilians-in-florida-city/>

The Army Times reports that, in violation of federal law, the 3rd Infantry's 1st Brigade Combat Team is returning from Iraq to defend the Homeland, as 'an on-call federal response force for natural or manmade emergencies and disasters, including terrorist attacks

<http://www.lewrockwell.com/blog/lewrw/archives/23256.html>

In spite of the Posse Comitatus Act, Bush wanted to bring home troops to train for an eventual successful terrorist biochemical or nuclear attack.

<http://www.nowpublic.com/world/posse-comitatus-violation-pentagon-plans-station-20-000-troops-us-domestic-security>

20,000 troops to deploy INSIDE the US—despite federal law.

<http://forum.prisonplanet.com/index.php?topic=72871.0;wap2>

Desirable outcome hides dangerous precedent as 5-man police force overwhelmed by violent attack are aided by local MP's

<http://capstonereport.com/2009/03/18/posse-comitatus-violation-in-alabama/1923/>

NSA Wiretapping a Posse Comitatus Act violation

<http://rangeragainstwar.blogspot.com/2006/03/posse-comitatus-violation-in-nsa.html>

Government Bullying

Federal government may have engaged in retaliatory investigation when Standard & Poor downgrades U.S. credit rating

http://www.politico.com/blogs/glennthrush/0811/Former_GOPer_SP_investigation_appears_retaliatory_.html

When Russia calls you corrupt, there might be a problem. (S&P investigation)

http://blogs.wsj.com/emerging europe/2011/08/24/putin-appears-to-link-sp-bosss-exit-to-u-s-ratings-cut/?mod=google_news_blog



Obama's Transportation Security Administration (TSA) threatened to declare the entire state of Texas a "no fly zone" if the Texas legislature criminalized TSA screening procedures.

<http://www.infiniteunknown.net/2011/05/26/tsa-threatens-to-make-texas-a-no-fly-zone-hundreds-rally-at-texas-state-capitol-building-texas-legislature-federal-government-clash-over-airport-pat-down-bill-texas-backs-down/>

Armed government agents raid Gibson Guitar American facilities to enforce a foreign law

<http://theintelhub.com/2011/08/25/federal-government-raids-gibson-guitars-under-indian-law-while-continually-ignoring-internal-corruption/>

Political Targeting/Favoritism by Government

In ordering Chrysler and GM car dealership closings as part of the 2009 bailout, unlawful as that already was, evidence showed dealers who contributed to Republicans were targeted

<http://washingtonexaminer.com/blogs/beltway-confidential/2009/05/furor-grows-over-partisan-car-dealer-closings>

Meanwhile, some congressmen such as Barney Frank were getting favors of keeping car dealerships open in their congressional districts

<http://online.wsj.com/article/SB124416281882387463.html#mod=djemEditorialPage>

Miscellaneous government lawbreaking

George Bush's NSA Wiretapping, contrary to Foreign Intelligence Surveillance Act

http://www.alternet.org/story/30350/an_abuse_of_power/

Obama sues Arizona for doing the job he refused to do — enforce immigration law

<http://www.guardian.co.uk/world/2010/jul/07/obama-administration-to-sue-arizona-migrant-laws>

Obama's Justice Dept joined a lawsuit against Indiana's defunding of Planned Parenthood.

<http://www.lifesitenews.com/news/obama-justice-department-sues-to-save-planned-parenthood-funding-in-indiana/>

Department of Justice ignores the law in attempt to sue Louisiana Governor Bobby Jindal

<http://washingtonexaminer.com/opinion/op-eds/2011/02/doj-sting-targets-bobby-jindal-and-ignores-law>

Obama's Justice Department ignores Constitution, politicizes DC voting rights

<http://www.examiner.com/scotus-in-washington-dc/obama-administration-ignores-constitution-and-politicizes-justice-on-d-c-voting-rights-bill>

Bush Administration break laws on wiretapping

<http://crooksandliars.com/2006/01/28/federal-judge-urges-government-law-breaking>

<http://www.washingtonpost.com/wp-dyn/content/article/2005/12/20/AR2005122001053.html>

<http://www.freerepublic.com/focus/f-news/1565773/posts>

Obama/Holder Department of Justice shut down Gibson Guitar facility over foreign law

<http://www.thegatewaypundit.com/2011/08/obama-justice-department-shuts-down-gibson-guitar-for-breaking-indian-law-video/>

Blatant fraudulent voting runs amok in state house

<http://www.dflsenate.com/texas-legislation/government-officials-voting-fraudulently-lawmakers-breaking-the-law-texas-legislature>

State charity regulators violate federal privacy, Social Security Number laws

<http://www.charityregulatorwatch.com/243>

Illinois takes money from taxpayer funds meant for charity

<http://www.charityregulatorwatch.com/246>

LA mayor waters lawn during watering ban, claims he was sleeping too soundly to notice

<http://www.nbclosangeles.com/news/local/Mayor-Antonio-Villaraigosa-Water-Restrictions-Violation-54896522.html>



Nanny state: two men arrested for “lack of common sense.”

<http://philadelphia.cbslocal.com/2011/08/28/2-arrested-for-lack-of-common-sense-after-rafting-down-main-street-in-manayunk/>

Obama fires Independent Inspector General, despite law requiring 30 day notice

<http://www.reporternews.com/news/2009/jun/21/congress-obama-ignore-constitution/>

Tennessee government ignores state constitution, allows judges to bypass reelection

<http://www.examiner.com/tennessee-statehouse-in-knoxville/state-constitution-apparently-applies-only-to-those-government-applies-it-to>

California Legislature ignores state constitution requirement for Prop 98 suspension

http://www.edsource.org/assets/files/policy/ssc/SSC_LegIgnoresConstReqProp98.pdf

Maryland Governor using law of questionable constitutionality, shuts protection agency doors to balance budget

http://articles.baltimoresun.com/2005-06-16/news/0506160090_1_prevaling-wage-ehrllich-wage-laws

Illinois legislature ignores its own Balanced Budget Amendment

<http://www.statebudgetsolutions.org/blog/detail/illinois-ignores-its-own-balanced-budget-requirement>

Georgia Speaker of the House ignores Constitution to avoid veto being overturned

<http://lobbyistsforlifeandliberty.org/2011/02/01/theconstitution/>

MA legislature ignores state Constitution, passes hundreds of bills without quorum

http://www.massresistance.org/docs/gen/08c/informal_sessions/index.html

GUILTY UNTIL PROVEN INNOCENT: Non-criminal property seizures more than double from 2005 to 2010; average “take” at \$166,000

<http://www.realnewsreporter.com/?p=7450>

National Mediation Board throws out democracy, overturns 75-year-old precedent to force private workers into unions

<http://www.nationalreview.com/articles/263182/pushing-back-against-decree-editors>

<http://gingrey.house.gov/News/DocumentSingle.aspx?DocumentID=232512>

California online transaction tax violates state constitution

http://www.redstate.com/neil_stevens/2011/06/15/the-california-amazon-tax-violates-props-25-and-26/

California online transaction tax violates Quill Corp v. North Dakota – the “physical presence” ruling

http://en.wikipedia.org/wiki/Quill_Corp._v._North_Dakota

Obama’s National Labor Relations Board ignores previous ruling in identical case, tells Catholic school it isn’t religious enough to avoid unions

<http://washingtonexaminer.com/opinion/op-eds/2011/08/now-obamas-nlrb-tells-church-school-its-not-religious-enough>

Department of Justice runs guns program of questionable legality; ignores 7 letters and a subpoena from the House oversight committee

http://www.weeklystandard.com/articles/more-doj-malpractice_576922.html

Atlantic City Council ignores state, seeks new hire for illegal position

http://www.pressofatlanticcity.com/communities/atlantic-city-pleasantville_brigantine/article_5fe59332-a5b9-11df-ba65-001cc4c03286.html

School charges mom for trying to protect son, violating unposted law

<http://www.myfoxboston.com/dpp/news/offbeat/mom-charged-for-going-on-bus-20110727>



New York ignores law to give 45 days for military absentee ballots to mail
<http://electionlawcenter.com/2011/03/16/new-york-ignores-doj-on-military-voting.aspx>

How many municipalities break the law? Brockton, MA Water Commission ignores Open Meeting Law, complaint
<http://www.enterpriseneews.com/topstories/x1059329669/Brockton-Water-Commission-ignores-Open-Meeting-Law-complaint>

University of California ignores law, institutes racial quotas
<http://www.pacificresearch.org/press/ethnicity-obsessed-uc-ignores-law>

Office of the Comptroller of the Currency, a federal institution, ignores Dodd-Frank congressional mandates
<http://www.bankrate.com/financing/banking/fed-agency-ignores-bank-law/>

California ignores law requiring annual review of its medical insurance policies
<http://ducknetweb.blogspot.com/2008/03/state-ignores-law-requiring-annual-medi.html>

Wisconsin ignores state constitution, steals future program money to cover cash shortfall
<http://www.newberlinnow.com/blogs/communityblogs/114311959.html>

Michelle Obama blissfully ignores election law, campaigns at polling place
<http://www.newser.com/story/102944/did-chatty-michelle-break-voting-laws.html>

Op-Eds/Articles

Where's the outrage over Obama's illegal acts – Viguerie and Fitzgibbons
<http://www.wnd.com/?pageId=100765>

Political Speech Laws: The Ruling Class Versus Mom, Pop — and Rape Victims
http://www.americanthinker.com/2010/10/political_speech_laws_the_ruli.html

A dangerous dissent on Citizens United
http://www.americanthinker.com/2010/01/a_dangerous_dissent_on_citizen.html

Black market judicial philosophy
http://www.americanthinker.com/2009/07/black_market_judicial_philosop.html

Oregon attorney general's uncharitable legislation
http://www.americanthinker.com/2011/03/oregon_attorney_generals_uncha.html

Judge Andrew Napolitano: Most presidents ignore the Constitution
<http://online.wsj.com/article/SB122523872418278233.html>

Many presidents, including Obama, ignore Constitution at will. Gives examples.
<http://www.foxnews.com/on-air/glenn-beck/transcript/judge-napolitano-obama-ignoring-constitution>

Op-ed with examples: "The Federal government is ignoring the Constitution"
http://www.associatedcontent.com/article/92245/the_federal_government_is_ignoring.html

Op-ed: "Federal Overreach and Overspend"
<http://www.ocala.com/article/20110508/OPINION/110509697?tc=ar>

Joseph Farah: Clinton's unconstitutional abuse of executive orders
<http://www.rense.com/general2/abuse.htm>

"This Imperial President: How Obama has ignored the Constitution and undermined the rule of law"
<http://alineofsight.com/policy/this-imperial-president-how-obama-has-ignored-the-constitution-and-undermined-the-rule-of-law?A=SearchResult&SearchID=616524&ObjectID=4187258&ObjectType=35>



Forbes: “A President who ignores the Law”

<http://www.forbes.com/sites/prospornow/2011/06/09/a-president-who-ignores-the-law/>

Citizen who fights BACK

ABC news coverage of “Jimmy Justice,” a NYC citizen waging a one-man Internet war against public officials who feel they are above the law

<http://mmaturf.com/forum/off-topic-discussion/jimmy-justice-’-when-the-police-break-the-law-in-ny-’/>

Jimmy Justice’ blog

<http://jimmyjustice4753.blogspot.com/>

Obama does whatever he wants—he’s a tyrant. (Great summary of lawbreaking)

http://www.americanthinker.com/2011/07/tyrannus_obama_rex.html

Daily Caller — Obama regularly bypasses Congress

<http://dailycaller.com/2011/08/30/obama-routinely-bypasses-congress-conservatives-say/>

The Media Helps Government Lawbreaking

Chris Matthews: “Maybe (breaking the law is) part of the [president’s] job.”

<http://msnbc.msn.com/id/10836171/>

About the authors and acknowledgments

Richard A. Viguerie is Chairman of American Target Advertising, Inc., and ConservativeHQ.com, Inc. In 1965 he pioneered direct mail marketing to build and fund grassroots groups ranging from ideological and political campaigns to charitable organizations. Viguerie's efforts produced think tanks, magazines, newsletters, and dozens of organizations and successful political campaigns. Viguerie was called "one of the creators of the modern conservative movement," (*The Nation* magazine), and was also dubbed "the funding father of the conservative movement." The communications director for the 1964 Goldwater campaign, Lee Edwards, wrote in *The Washington Times* in 1999 that Viguerie was one of 13 "conservatives of the century." Also in 1999, the late John F. Kennedy, Jr.'s political magazine, *George*, called the founding of Viguerie's company one of the "defining political moments of the 20th Century."



NewsMax CEO Christopher Ruddy called him "probably the grandfather of the new media. . . . [H]e started it, and paved the way for the whole Reagan revolution 10 years later by writing those letters exposing what Ted Kennedy was doing in Congress, exposing what the left was doing in the media." *The Washington Post* called him "the Conservatives' Voice of America." *The Baltimore Sun* called him the "architect of the New Right," and *The Edmonton Sun* called him "the uncrowned king of the Right". The *AFL-CIO News* said that Viguerie "made it all possible" for conservatives. In 1979 *Time* magazine named him one of 50 future leaders of America, and in 1981 *People* magazine named him one of the 25 most intriguing people of the year. During the 2008 coverage of the Iowa caucuses, MSNBC's Keith Olbermann called Viguerie "one of either the greats or the demons, depending on your point of view of the conservative movement."

Mr. Viguerie and his wife, Elaine, are natives of Houston, Texas, and have been married for 49 years. They have three children and six grandchildren, and live in the Virginia countryside on 230 acres of conservative-friendly environment. Mr. Viguerie may be contacted at PO Box 4450, Manassas, VA 20108, and at RAV@ConservativeHQ.com.

Mark J. Fitzgibbons is President of Corporate and Legal Affairs, American Target Advertising, Inc. He is an op/ed contributor to *The Washington Examiner* and *American Thinker*. His written commentaries have appeared in *The National Law Journal*, *Politico*, *The NonProfit Times*, *The Chronicle of Philanthropy*, *DMNews*, *The Philanthropy Monthly*, *The Washington Times*, *FoxNews.com*, *HumanEvents.com*, and *WorldNetDaily.com*. His blog is *CharityRegulatorWatch.com*. In a profile about Fitzgibbons by *The NonProfit Times*, state regulators described him as “very litigious,” “contemptuous,” and “a royal pain.” *The NonProfit Times* also wrote, “When it comes . . . to the use of the First Amendment to the U.S. Constitution for charitable speech, there are two words that make regulators recoil — Mark Fitzgibbons.” He is a member of the District of Columbia, Maryland and Virginia Bars.



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